

# THE INDUSTRIAL COMMISSION OF ARIZONA

## ANNUAL REPORT FOR 2012



David M. Parker	Chairman
Susan Strickler	Vice Chair
John A. McCarthy, Jr.	Commissioner
Kathleen Oster	Commissioner
Michael G. Sanders	Commissioner

Laura L. McGrory, Director



“The Spirit of Arizona,” Mural Painting by Robert T. McCall © 1987 Industrial Commission of Arizona as Trustee for the Special Fund

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## **HISTORY OF THE INDUSTRIAL COMMISSION**

The Industrial Commission of Arizona (“ICA” or “Commission”) is a regulatory agency that was created in 1925 as a result of legislation implementing the constitutional provisions establishing a workers’ compensation system.

From 1925 to 1969, the workers’ compensation system consisted of the State Compensation Fund, which was then a part of the Industrial Commission, and self-insured employers which generally were the mining and the railroad companies. In 1969 the workers’ compensation system was reorganized and expanded to include private insurance companies. The State Compensation Fund was split off from the Industrial Commission and established as a separate agency responsible for providing workers’ compensation coverage. The Industrial Commission retained its responsibility as the file of record and its regulatory authority over the processing of workers’ compensation claims. Since that time, the role of the Industrial Commission has been expanded to cover other labor related issues such as occupational safety and health, youth employment laws, resolution of wage related disputes, minimum wage, vocational rehabilitation, and workers’ compensation coverage for claimants of uninsured employers, insolvent insurance carriers and self-insured employers.

The policy setting body for the ICA is a five member Commission whose members are appointed by the Governor and confirmed by the Senate to staggered five year terms. As a non-general fund agency, the Industrial Commission’s Administrative Fund is funded by an annual assessment on workers’ compensation premiums that cannot exceed 3%. The Commission performs its statutory duties and responsibilities through the seven major Divisions that are described in this document.

## **Commission Duties and Responsibilities**

The Commission is responsible for administering and enforcing laws and regulations that relate to the protection of life, health, safety and welfare of employees within the State. These laws are found in Title 23 of the Arizona Revised Statutes.

A five-member Commission is responsible for determining the policy of the Industrial Commission of Arizona. Each Commissioner is appointed by the Governor to a five-year staggered term. The Commissioners serve on a part time basis and meet regularly to conduct business.

In addition to establishing the policy of the Commission, the Commissioners also perform a variety of other functions that include:

- Approving the issuance of occupational safety and health citations with penalties in excess of \$2,500;
- Approving the issuance of cease and desist orders and penalties for youth employment law violations;
- Promulgating agency rules;
- Authorizing and approving renewal of the self-insurance authority for individual employers and workers' compensation pools;
- Licensing of employment agencies, career counseling services, and talent and modeling firms;
- Reviewing the Arizona Workers' Compensation Physicians' and Pharmaceutical Fee Schedule on an annual basis;
- Approving penalties for employers who fail to provide workers' compensation insurance for their employees;
- Acting on requests from injured workers to commute their permanent monthly workers' compensation awards to lump sum amounts;
- Acting on occupational safety and health discrimination complaints; and
- Establishing the annual tax assessment rates on workers' compensation premiums to fund the Administrative Fund and Special Fund.

Commission meetings, except for Executive Sessions, are open to the public and subject to the open meeting laws. The time and location of each meeting are published in the agenda for that meeting. Agendas are published at least 24 hours in advance of each meeting and are available for download on The Industrial Commission of Arizona website at <http://www.ica.state.az.us/>. Minutes are kept of each meeting and are also available for download on this web site or by contacting the Commission Secretary at (602) 542-4411.

# **STATE OF PROGRAMS**

## **A. OCCUPATIONAL SAFETY AND HEALTH**

In 1974, Governor Jack Williams asserted Arizona's right under the Federal Occupational Safety and Health Act to retain jurisdiction over occupational safety and health issues within our state, excluding mining operations, Indian reservations and federal employees. This jurisdiction encompasses approximately 2.3 million employees working in 144,000 public and private establishments. In accordance with the Federal Occupational Safety and Health Act, the Arizona Division of Occupational Safety and Health ("ADOSH") operates under an approved plan with the U.S. Department of Labor. In 1985, the U.S. Department of Labor designated ADOSH as being one of only 26 states and territories that have programs that are "as effective" as Federal OSHA. ADOSH focuses its efforts in four specific areas: compliance, consultation, elevators and boilers.

### **1. COMPLIANCE**

ADOSH's compliance sections focus on conducting unannounced inspections of workplaces throughout Arizona to determine whether employers are complying with the Occupational Safety and Health Act and standards.

Inspections may be the result of (1) a work-related accident, (2) a complaint, (3) a referral, (4) a planned or targeted effort, or (5) a follow-up to ensure that previously cited serious, repeat or willful violations have been corrected.

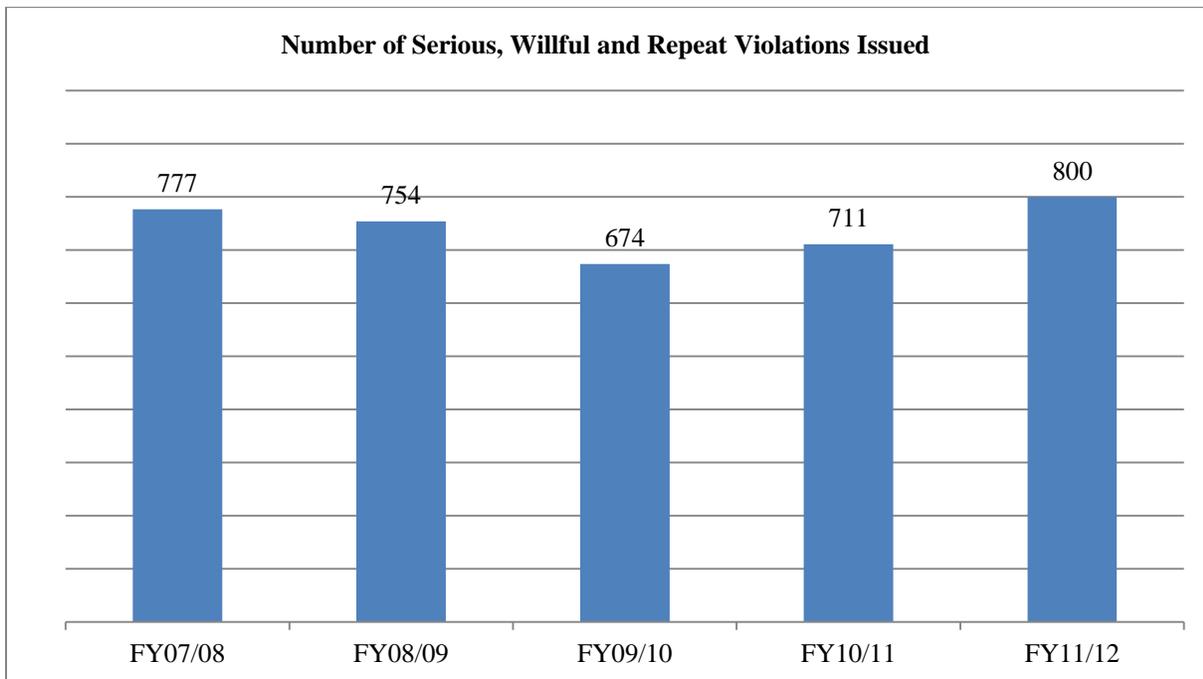
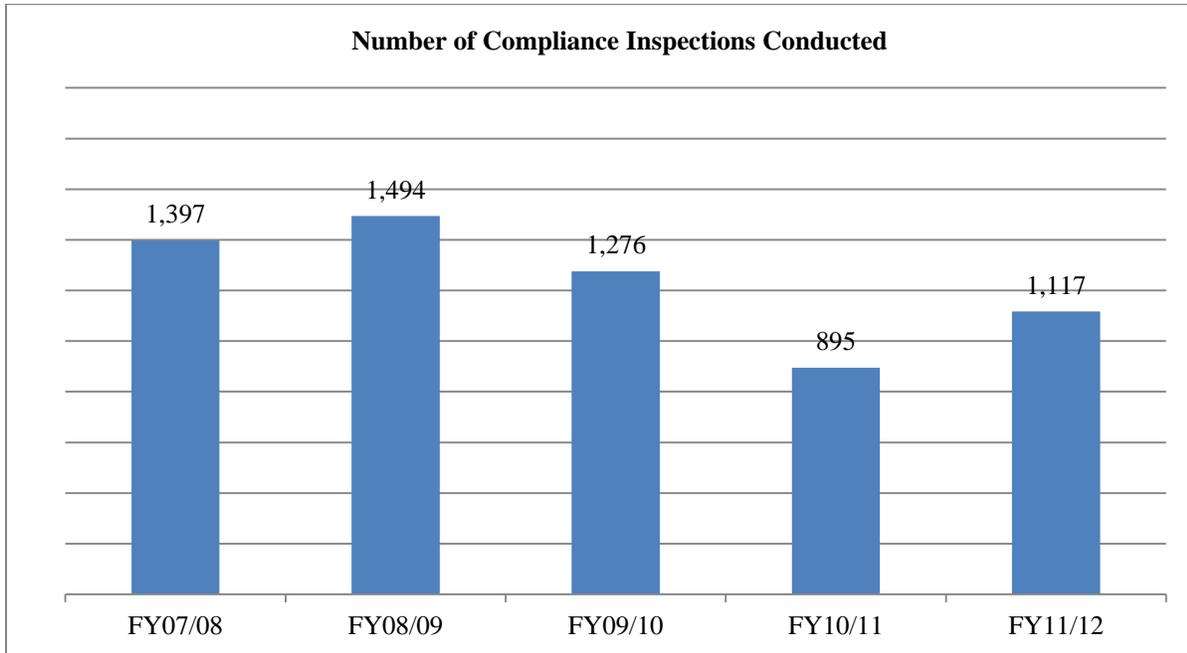
Inspections involving work-related accidents are generally serious in nature, involving multiple injuries or a fatality. A complaint inspection is generally the result of a serious safety/health allegation or an employer's failure to respond to a written inquiry from ADOSH. A referral generally comes from another government source such as the Department of Economic Security's Farm Worker Outreach Program, Department of Health Services, or police and fire departments. Planned or targeted inspections are those directed at those employers in high-hazard industries or who have a large number of workers' compensation claims, or higher than average injury and illness rates.

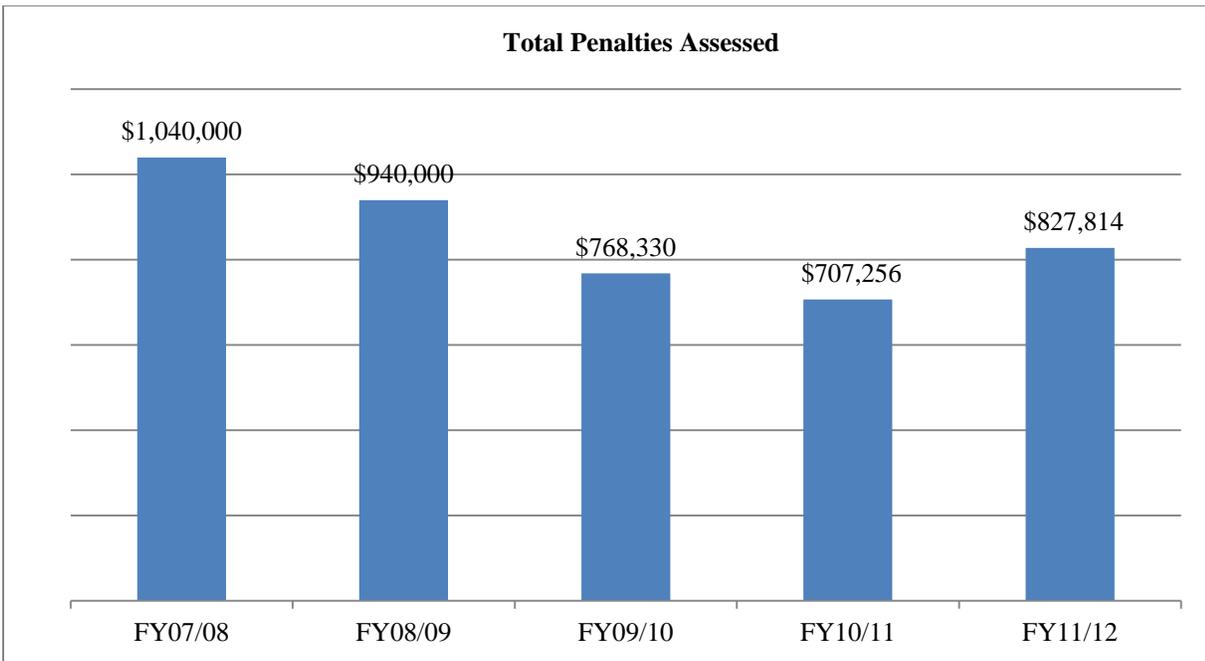
ADOSH is the only state or federal OSHA program in the country that has an independent body (the Commission) that is separate from the OSHA program that reviews the appropriateness of ADOSH's proposed citations and either approves, modifies or disapproves their issuance.

At a public meeting before the Commissioners, a representative from ADOSH presents a prima facie case to the Commissioners as to why a citation should be issued. The Commission, as a body, reviews the proposal and either approves, modifies or disapproves the proposed citations based upon

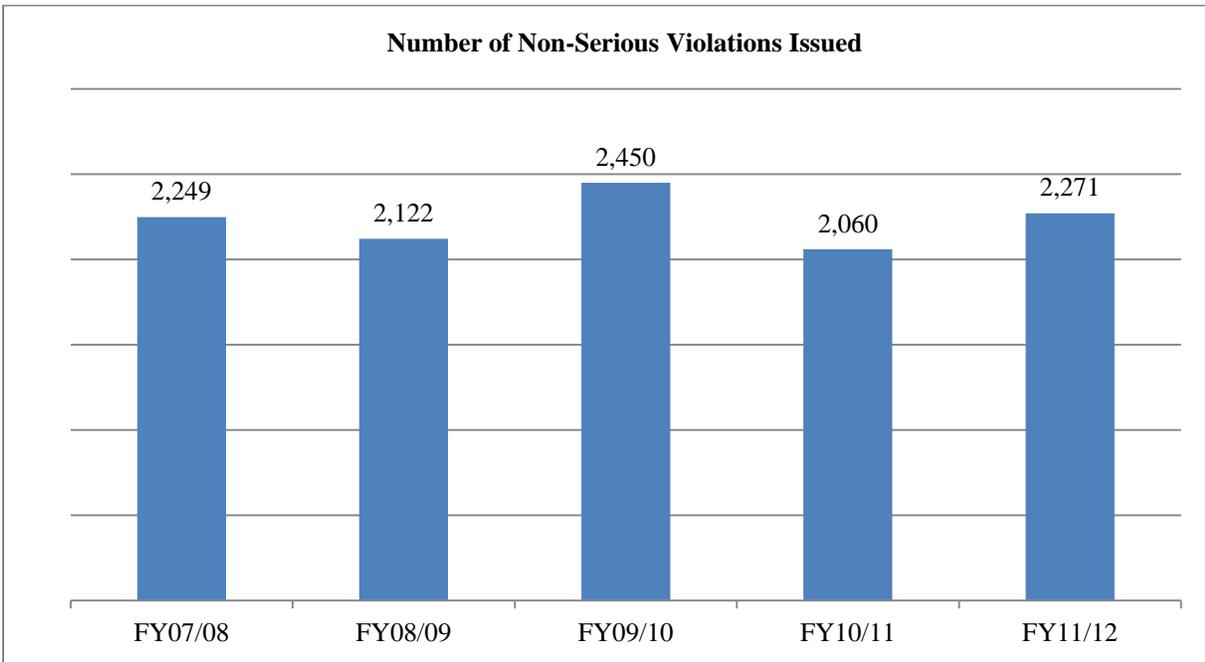
the facts present. Current Commission policy is to review all cases where there are citations with penalties totaling more than \$2,500.00. Penalties totaling \$2,500.00 or less are approved by the ADOSH Director. All penalties assessed and collected go directly to the State General Fund.

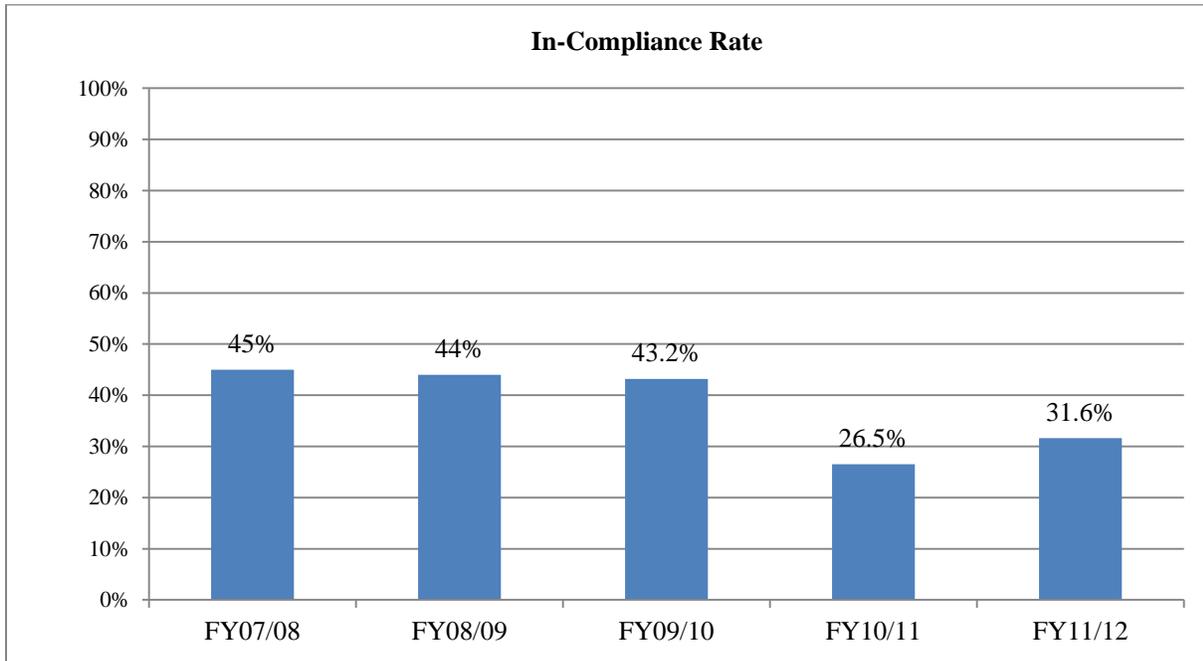
The following represent statistics related to citations issued by ADOSH during the applicable state fiscal year:





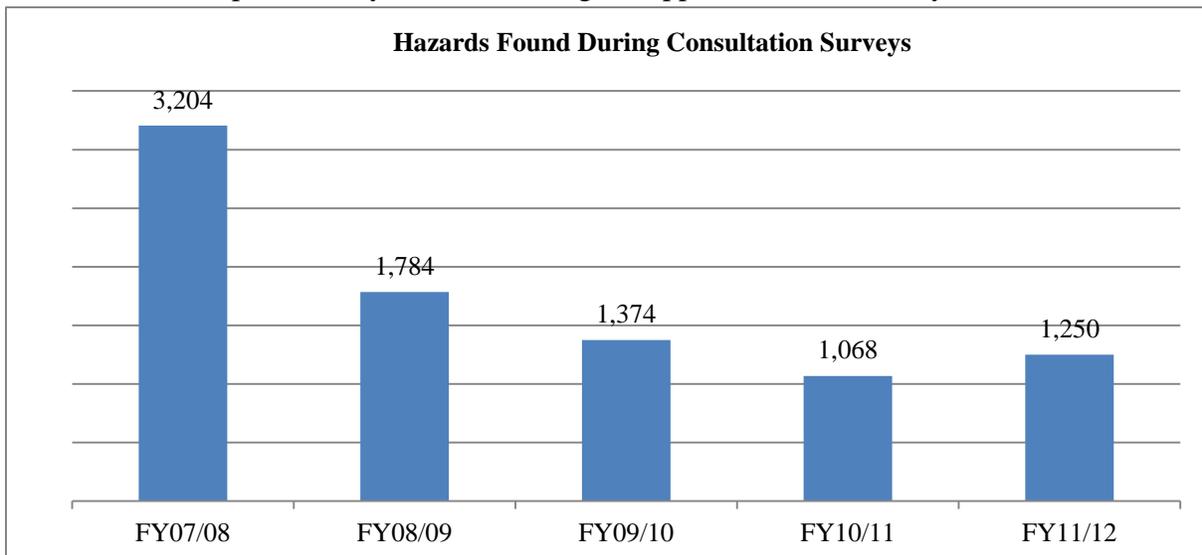
It is important to note that not all violations noted in inspections result in penalties. In fact, the majorities of violations are “other than serious” and carry no penalty. In addition, for a significant number of inspections ADOSH finds no violations and determines that the employer is “in compliance” with the Arizona Occupational Safety and Health Act.

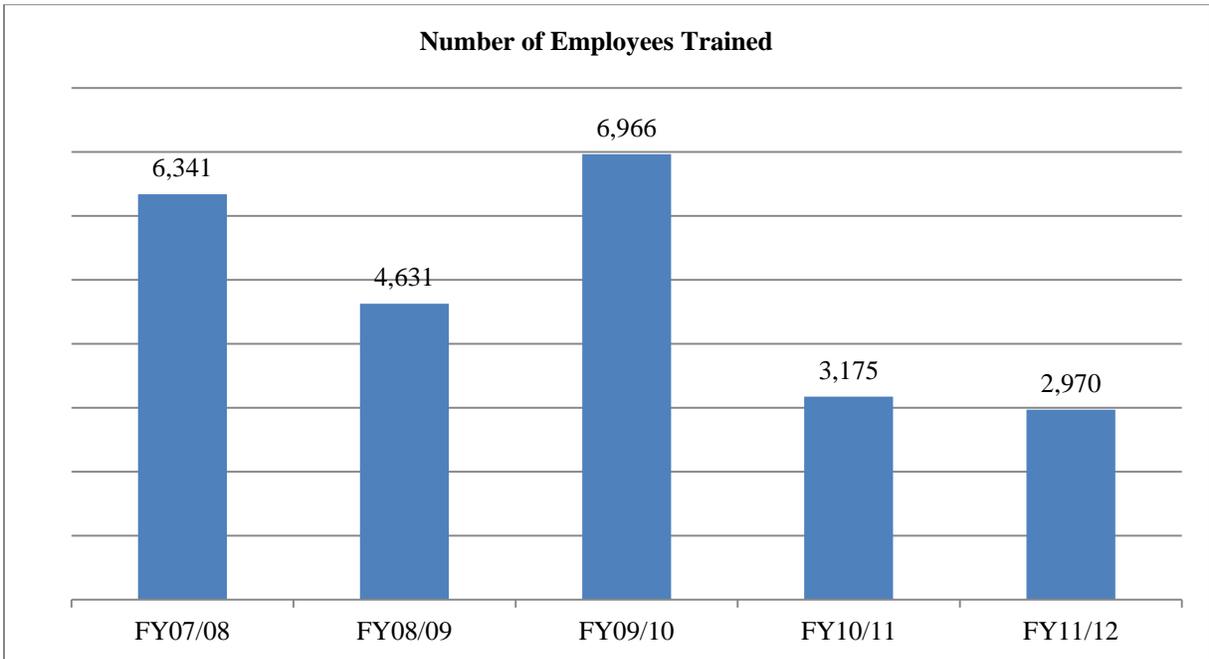
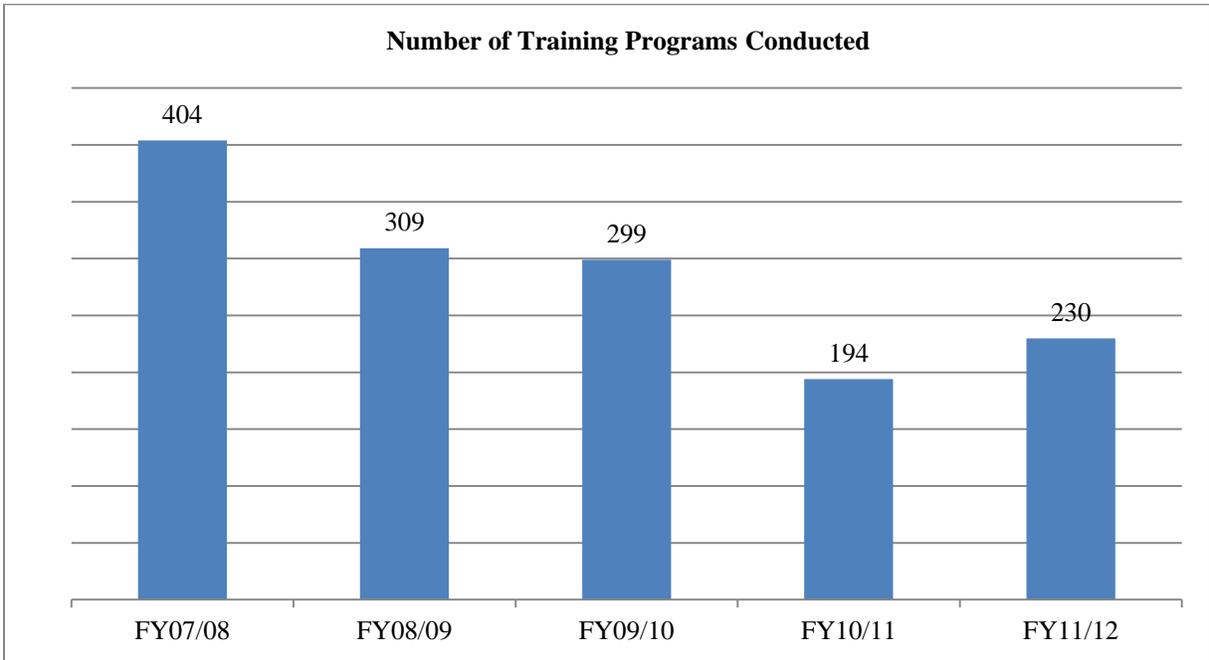


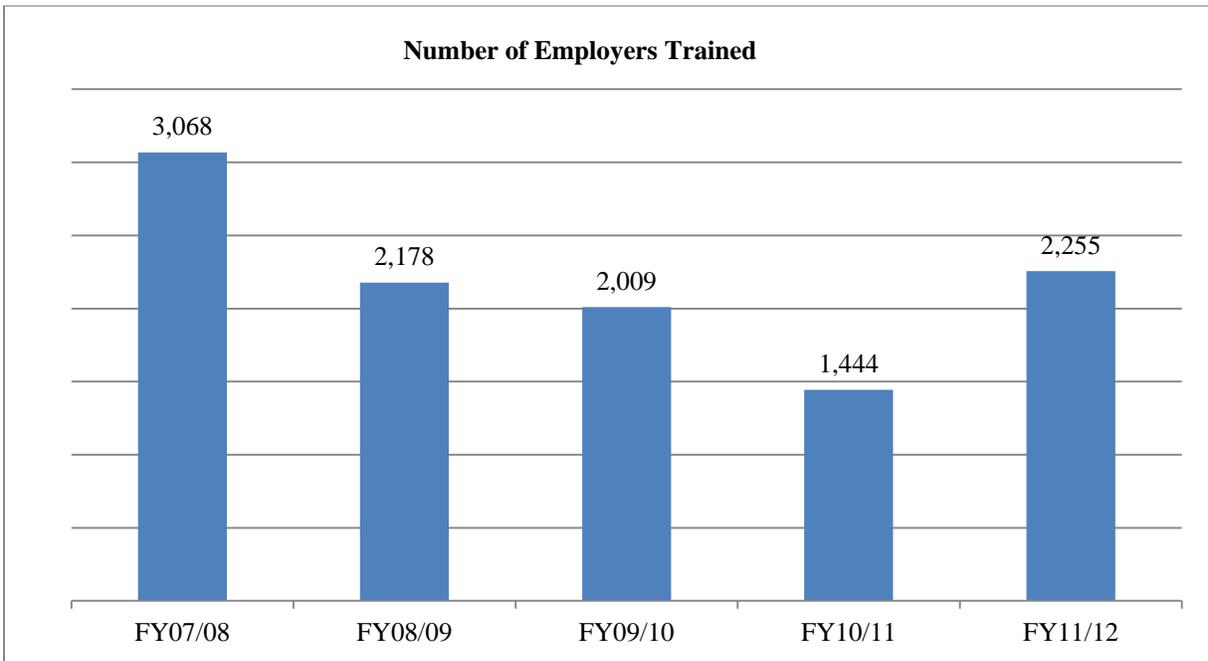


## 2. CONSULTATION AND TRAINING

ADOSH’s consultation activities consist of providing free consultative assistance to employers who are requesting assistance in coming into compliance with existing occupational safety and health standards. At the request of an employer, a consultation evaluation may involve an individual operation or an entire workplace. No citations or penalties are issued to employers utilizing consultation services as long as the employer corrects the apparent hazards which are noted as written recommendations in a letter to the employer. Free training programs are also provided by ADOSH to business organizations, labor organizations and individual employers upon request. A DVD library is also available to individual employers who may wish to check-out DVD’s to supplement their own safety and health programs. The following represent statistics related to consultation services provided by ADOSH during the applicable state fiscal year:

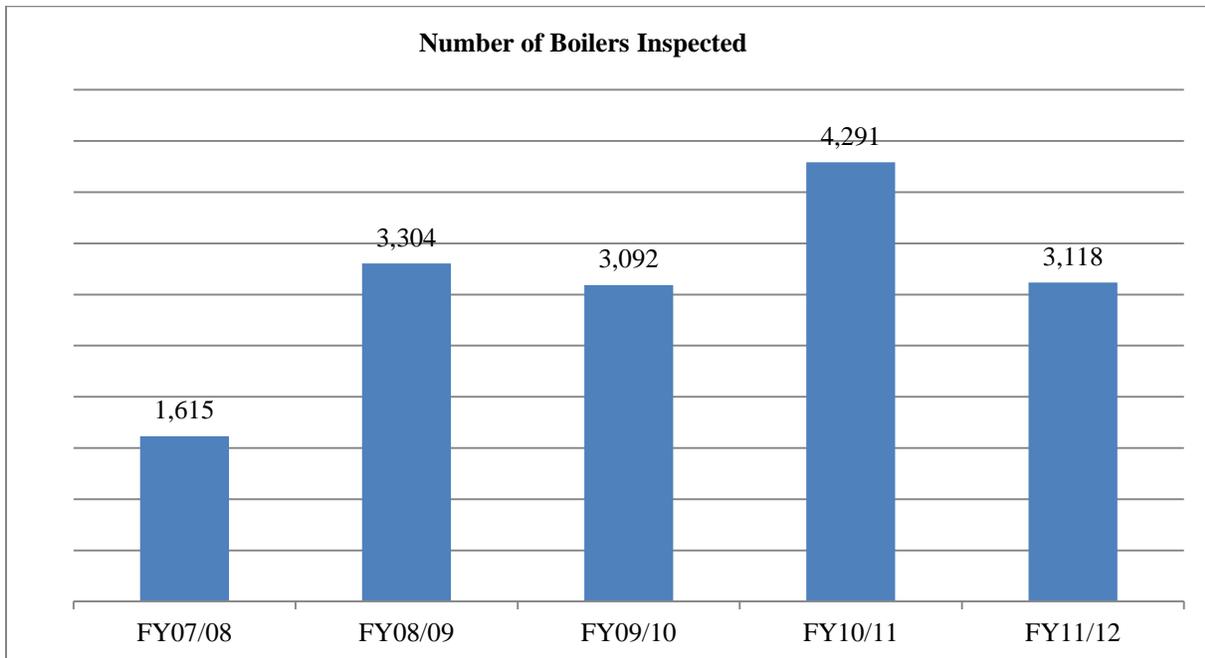


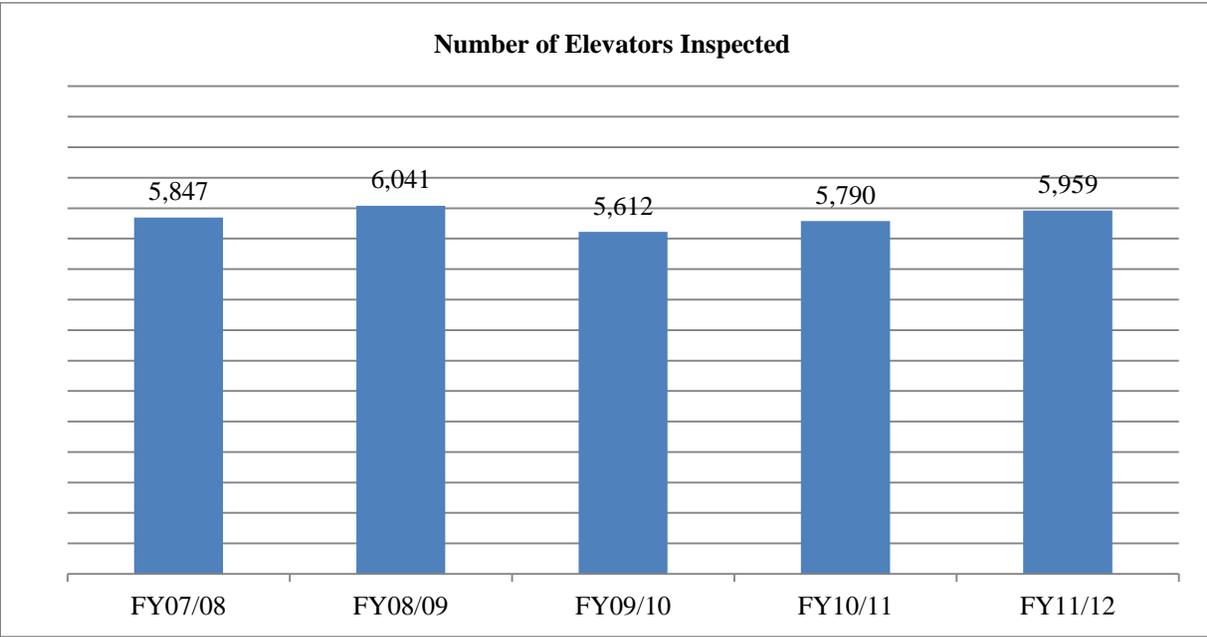
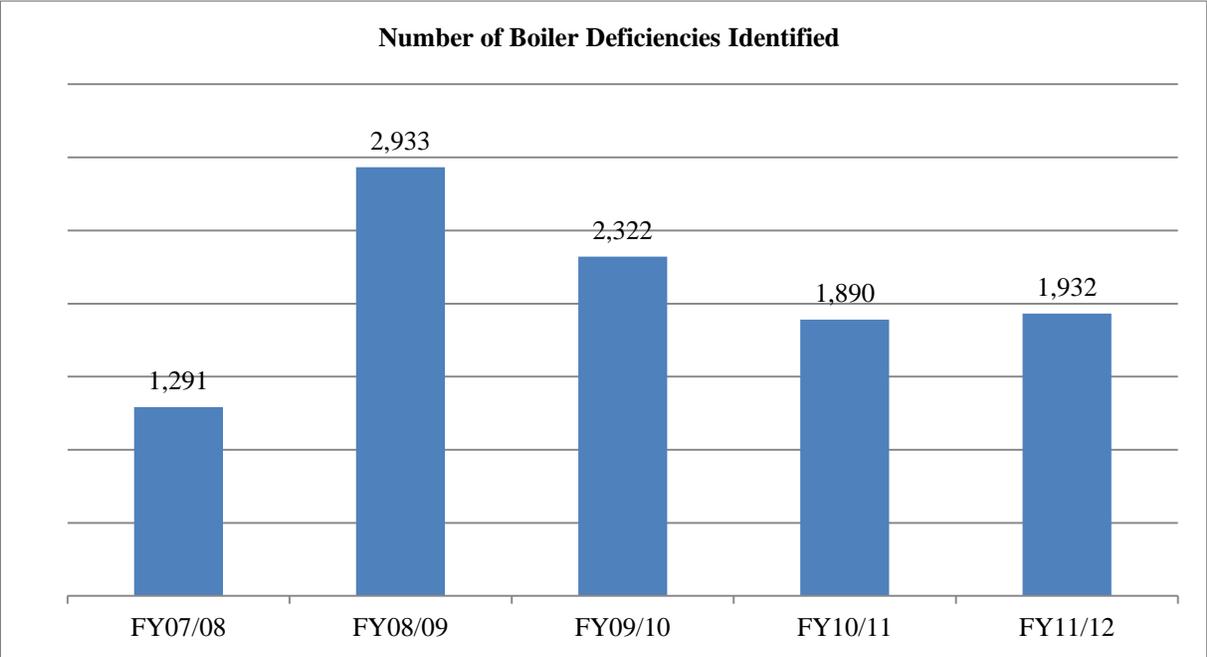


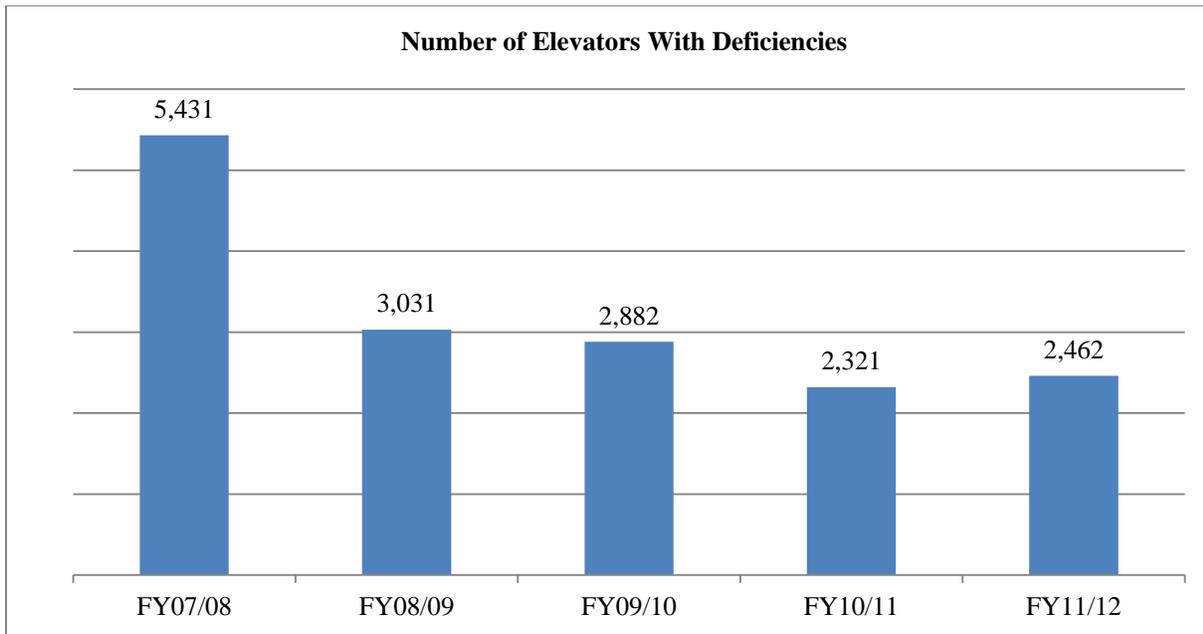


### 3. BOILERS AND ELEVATORS

Unlike the Arizona Occupational Safety and Health Act, the Boiler and Elevator programs are equipment oriented, and not based upon employee exposure. As a result, cease and desist orders are utilized without monetary penalties. Once violations are corrected, certificates of operation are issued allowing the employer to utilize the boiler, elevator or escalator. In the boiler and elevator statutes, political subdivisions are allowed to retain jurisdiction if they provide a comparable program. The City of Phoenix has retained jurisdiction over elevators within its boundaries. No other political subdivision has retained jurisdiction for boilers or elevators.







#### **4. OCCUPATIONAL INJURY, ILLNESS & FATAL STATISTICS**

The Research and Statistic’s Division of the Industrial Commission of Arizona, in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics (“BLS”), annually conducts the Census of Fatal Occupational Injuries (“CFOI”) and Survey of Occupational Injuries and Illnesses (“SOII”). The CFOI covers all fatal injuries determined to be work-related according to the CFOI criteria, regardless of industry or regulatory coverage of the establishment. Each fatality must be substantiated by two independent sources, which include death certificates, workers’ compensation reports, newspaper articles or medical examiners’ reports.

The Survey of Occupational Injuries and Illnesses is sent out to random employers throughout Arizona from selected industries using the North American Industry Classification System (“NAICS”). Employers are requested to provide work-related injury and illness information from the OSHA Forms 300 and 300A. In cases involving a more severe injury, additional detailed information will be requested for that particular injury or illness.

States are responsible for data collection, follow-up, and coding for both the Census of Fatal Occupational Injuries and Survey of Occupational Injuries and Illnesses. The survey also requires employers to report the annual average number of employees and total hours worked for all employees. This information is used by the Bureau of Labor Statistics to provide National, Regional, and State labor statistics.

In addition to the foregoing, the Research and Statistics Division also collects data from an Industrial Commission database of Arizona workers’ compensation claims to prepare reports that identify lost workday claims by major industry, nature of injury, body part injured, event or exposure, source of injury, and occupation.

In September 2010, the Bureau of Labor Statistics completed a major revision to the Occupational Injury and Illness Classification System (“OIICS”). The revised OIICS structure (“OIICS 2.01”) will be used beginning with reference year 2011 for both the Census of Fatal Occupational Injuries (“CFOI”) and the Survey of Occupational Injuries and Illnesses (“SOII”) programs. Because of the extensive revisions, data for the OIICS case characteristics for reference year 2011 represent a break in series with data for prior years. More information on OIICS can be found at [www.bls.gov/iif/oshoiics.htm](http://www.bls.gov/iif/oshoiics.htm). As a result of the break in series, new survey ID’s have been created for the public IIF databases ([www.bls.gov/iif/data.htm](http://www.bls.gov/iif/data.htm)) for CFOI and SOII.

The Standard Occupational Classification (“SOC”) system is used to classify occupations for both CFOI and SOII. Beginning with reference year 2011, a revised version of the SOC system will be used to classify occupations. While the changes to the new structure (“SOC 2010”) were not extensive, comparisons of SOC 2000 and SOC 2010 occupations should be made with caution. More information on the 2010 SOC, including an overview of new items in SOC 2010, can be found here: [www.bls.gov/soc/home.htm](http://www.bls.gov/soc/home.htm).

The North American Industry Classification System (“NAICS”) is used to classify industry for both CFOI and SOII. For reference year 2014, the CFOI and SOII programs will adopt a revised industry classification system, NAICS 2012, which will represent a break in series. More information on NAICS can be found here: [www.bls.gov/bls/naics.htm](http://www.bls.gov/bls/naics.htm).

For more information on the different coding structures used and the years to which they apply, please see the BLS Handbook of Methods at [www.bls.gov/opub/hom/homch9.htm](http://www.bls.gov/opub/hom/homch9.htm).

The information obtained from either the CFOI, SOII, or the Commission’s database can be used to identify hazardous industries, occupations, and activities. It also can assist in the development of safer workplaces and in the prevention of injuries. The injury and illness rates calculated based on the most recent surveys are found on pages 20-23. Fatality statistics are found in Appendix A and B.

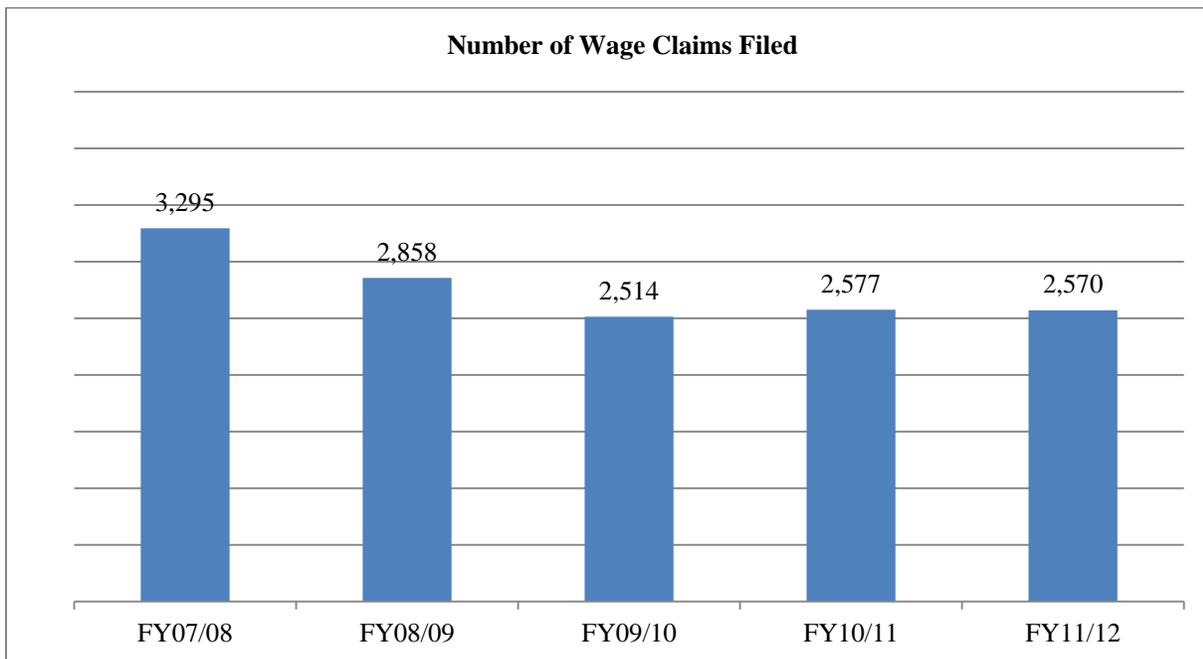
Appendix A reflects the revised OIICS, SOC and NAICS codes that have been implemented for the fatality statistics beginning 2011. Appendix B reflects the former OIICS, SOC and NAICS codes for fatality statistics ending in 2010.

## B. PAYMENT OF WAGES

The Arizona Labor Department (“Department”) is responsible for the enforcement of Arizona’s payment of wages and minimum wage law. See A.R.S. §23-350 *et seq.* and 23-363 *et seq.* Information related to these areas is set forth below.

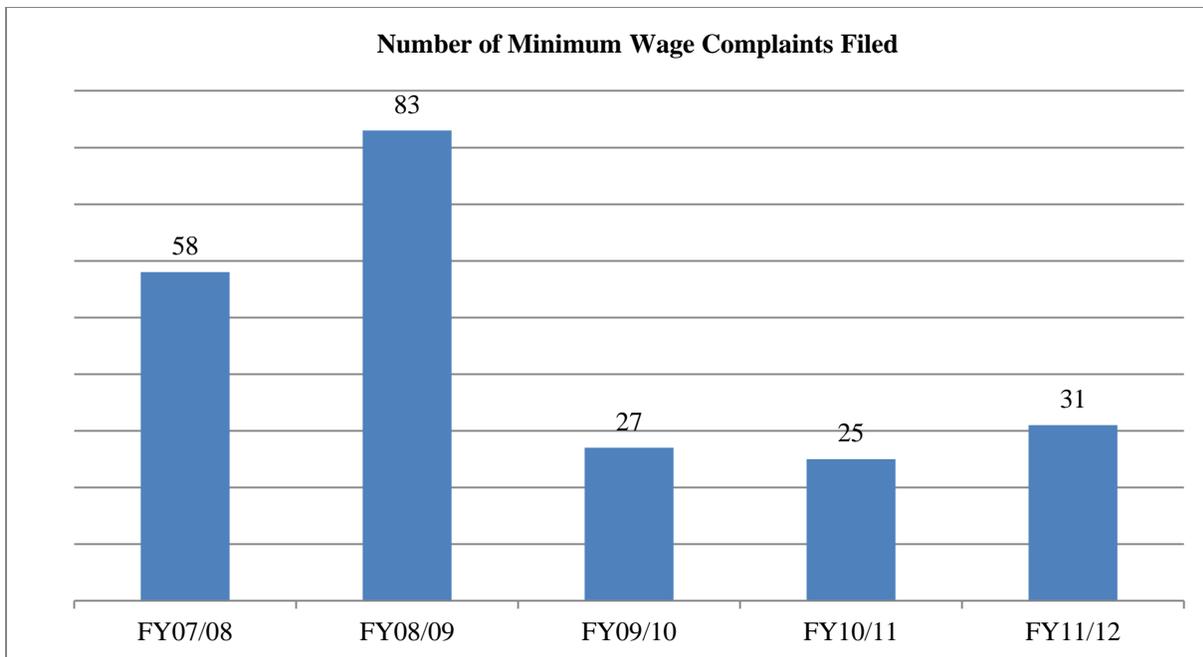
### 1. RESOLUTION OF WAGE DISPUTES

When wages owed to an employee are no more than \$5,000 and the accrual of those unpaid wages do not exceed one year, an employee may file a wage claim with the Department. Upon receipt of a claim, the Department will notify the employer of the claim and investigate the allegations. The Department will provide a written determination which can be appealed to Superior Court. An employer who does not comply with a Final Order within ten days after the order becomes final is liable to pay the employee treble the amount of the unpaid wages found to be owed. While every effort is made to resolve the dispute, in some cases there is insufficient information to make a determination. In those cases, a claimant has the right to file a civil action in Justice or Small Claims Court. A claimant also has the right to file their initial wage claim in the appropriate Court.



## 2. MINIMUM WAGE LAW ENFORCEMENT

Arizona employers are required to pay employees no less than the minimum wage. Any person may file an administrative complaint with the Department if they are not receiving the state minimum wage or have been retaliated against for asserting any claim or right under the Arizona Minimum Wage Act (“MW Act”). Upon receipt of an alleged violation, the Department will notify the concerned employer and investigate the allegations. Civil penalties may be assessed for violations of the MW Act. Upon determination that wages or penalties are due and unpaid to the employee, the Department may obtain judgment and execution, garnishment, attachments, or other remedies for collection. The Department will provide a written determination, which can be appealed to the Administrative Law Judge Division of the Commission. The Department may mediate and conciliate any dispute between the parties. Additional information regarding the Arizona Minimum Wage and the minimum wage in effect for the current year may be found at the Commission’s website at [www.ica.state.az.us](http://www.ica.state.az.us).



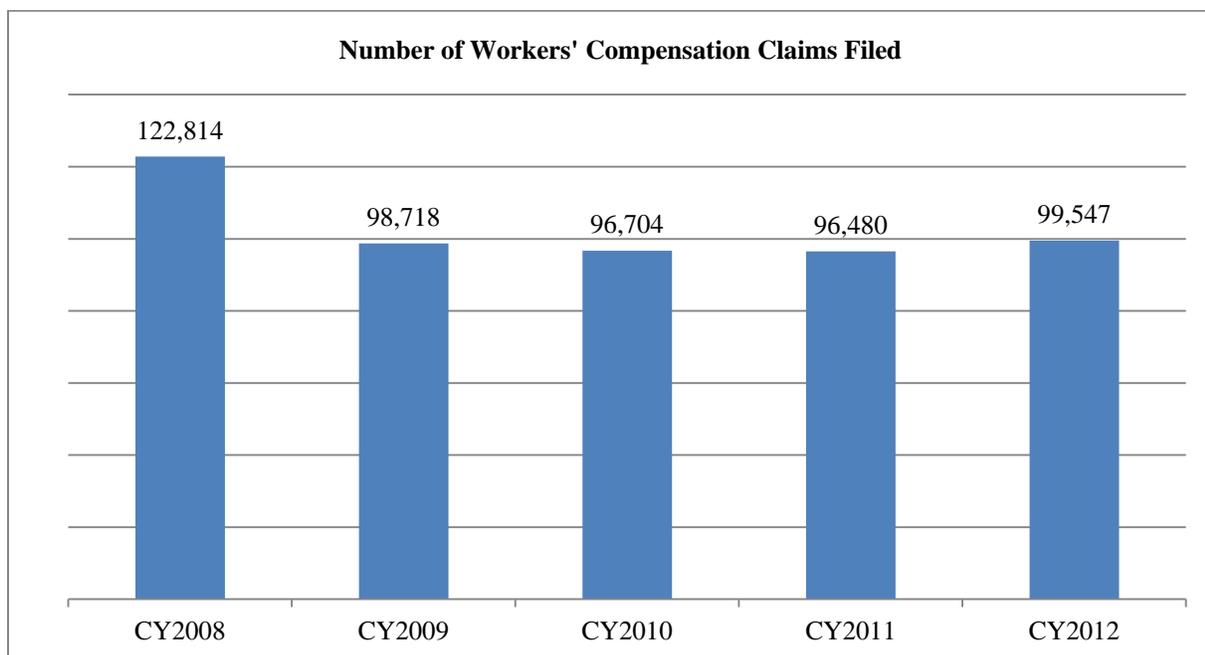
## C. ARIZONA WORKERS' COMPENSATION

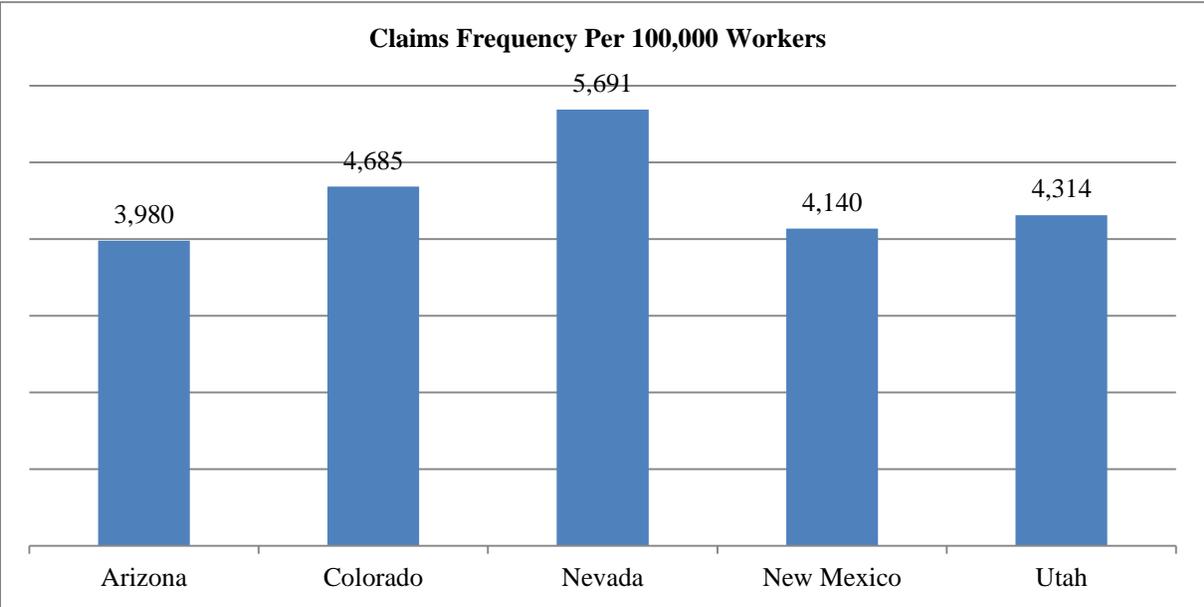
Since 1925, the Industrial Commission of Arizona has been the file of record for all Arizona workers' compensation claims. To date, the Commission maintains records for over 6 million workers' compensation claims files, which translates to over 40 million documents being stored on the Commission's imaging system and up to 6,000 documents being processed per day.

Through its Claims Division, the Commission is actively involved in the processing of Arizona workers' compensation claims to ensure that insurance carriers, third party processing agents, and self-insured employers ("payers") are processing workers' compensation claims in accordance with Arizona law. This includes notifying the appropriate payer of any claim that is received by the Claims Division from an attending physician or injured worker. This notification is done so that the payer can appropriately process the claim. The "active involvement" of the Claims Division also includes the making of determinations in an individual workers' compensation claim. Numbering in the thousands per year, these determinations can include a variety of issues such as the setting of a worker's average monthly wage, establishment of unscheduled permanent disability awards, awards for facial scarring and loss of teeth, processing requests to leave the state and requests to change physicians, and allegations of bad faith.

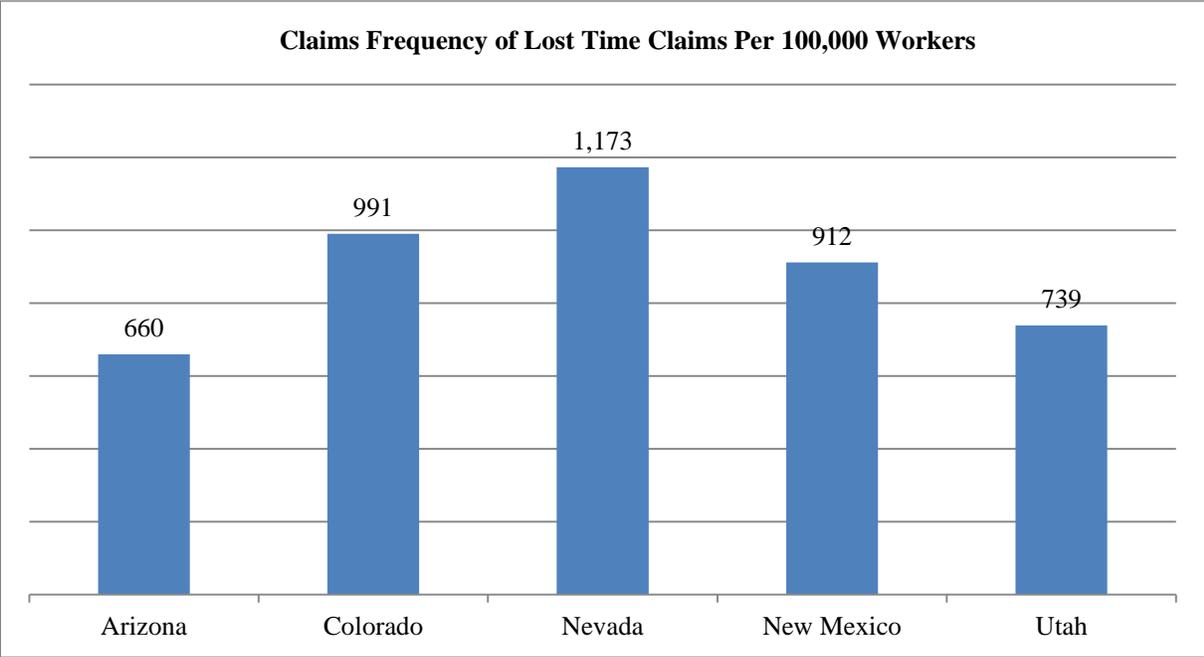
Through its Ombudsman's Office and other Claims Division staff, the Commission answers approximately 150,000 telephone/web inquiries per year. Though not providing legal advice, the Ombudsman's Office is available to provide assistance to claimants to ensure that they understand the Arizona workers' compensation system and process.

### 1. CLAIMS STATISTICS



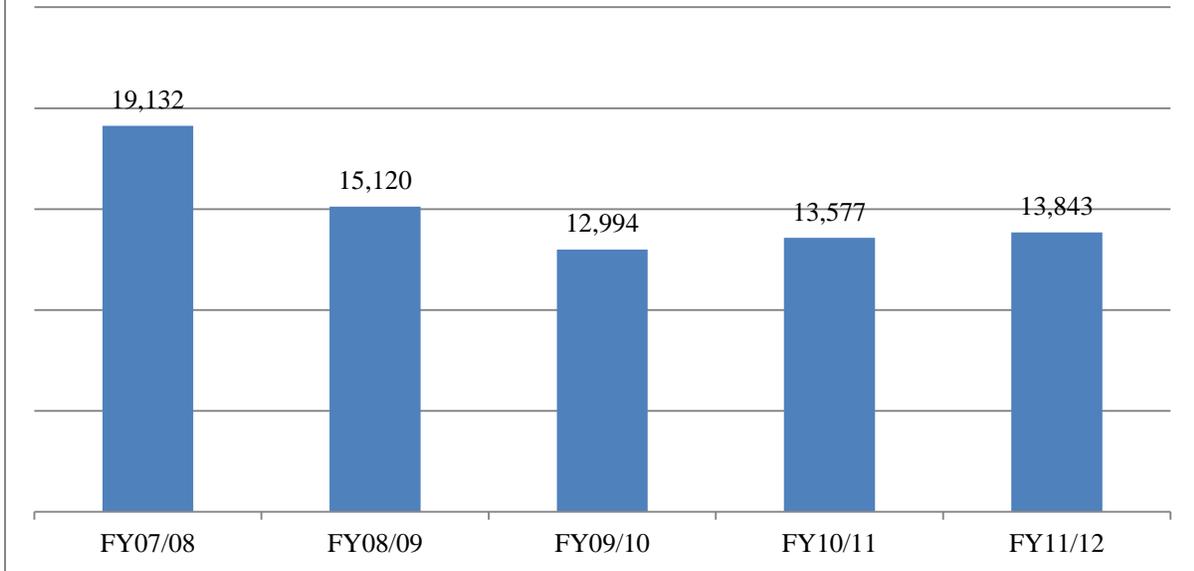


Source: National Council on Compensation Insurance, Statistical Plan data for policies ending in 2009

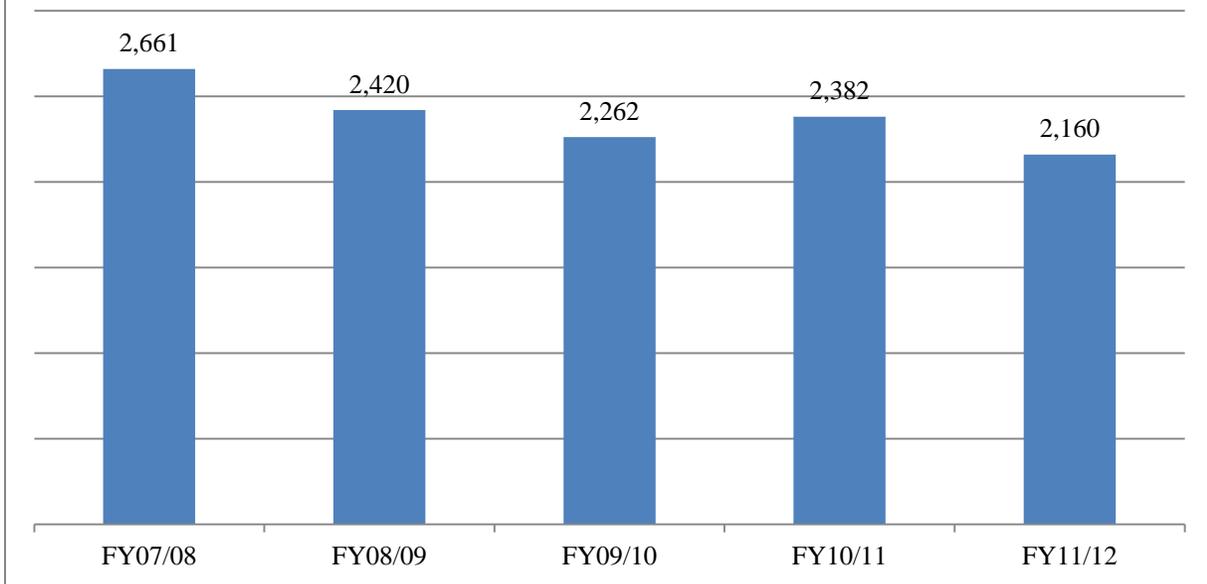


Source: National Council on Compensation Insurance, Statistical Plan data for policies ending in 2009

**Number of Average Monthly Awards Issued**



**Number of Loss In Earning Capacity Awards Issued**

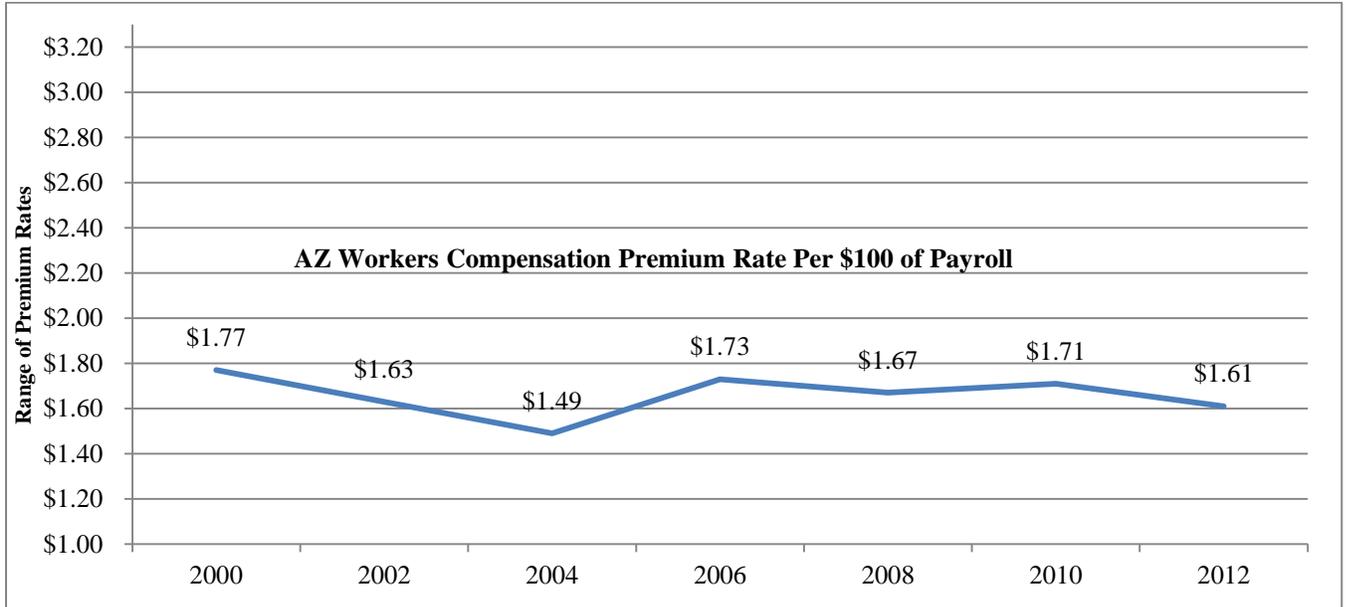


2. **RATES, PREMIUMS AND LOSSES**

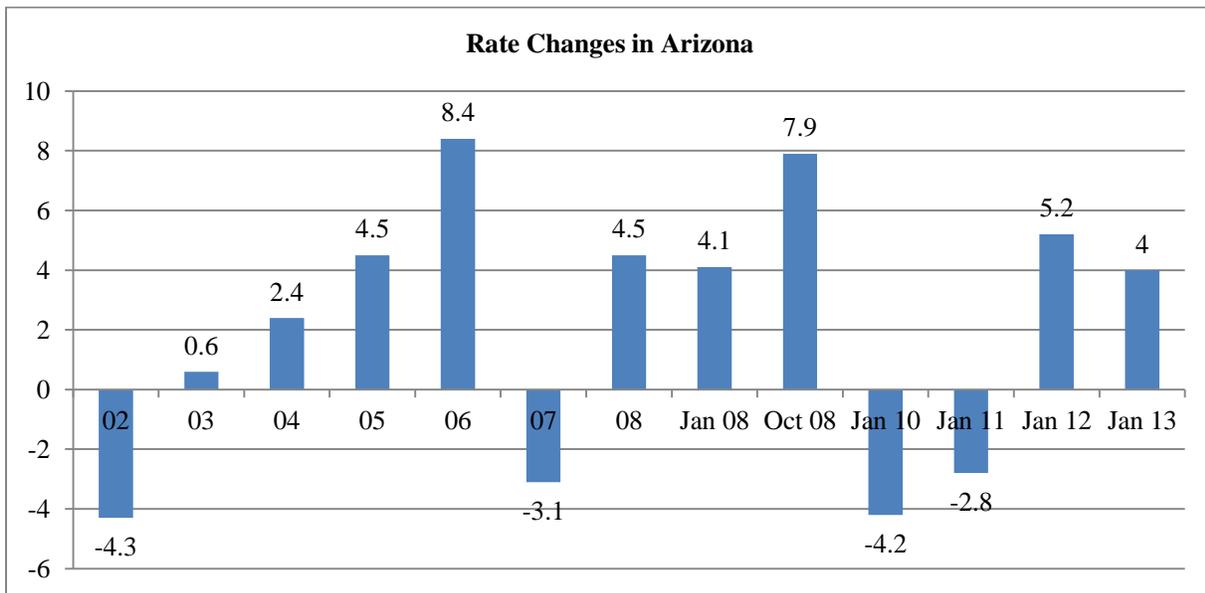
Arizona Premium Rate Index per \$100 of Payroll: \$1.61 (eff. 1/01/2012)

2012 Ranking: 36 (15<sup>th</sup> lowest out of 51 jurisdictions)

Percent of National Median (\$1.88): 86%

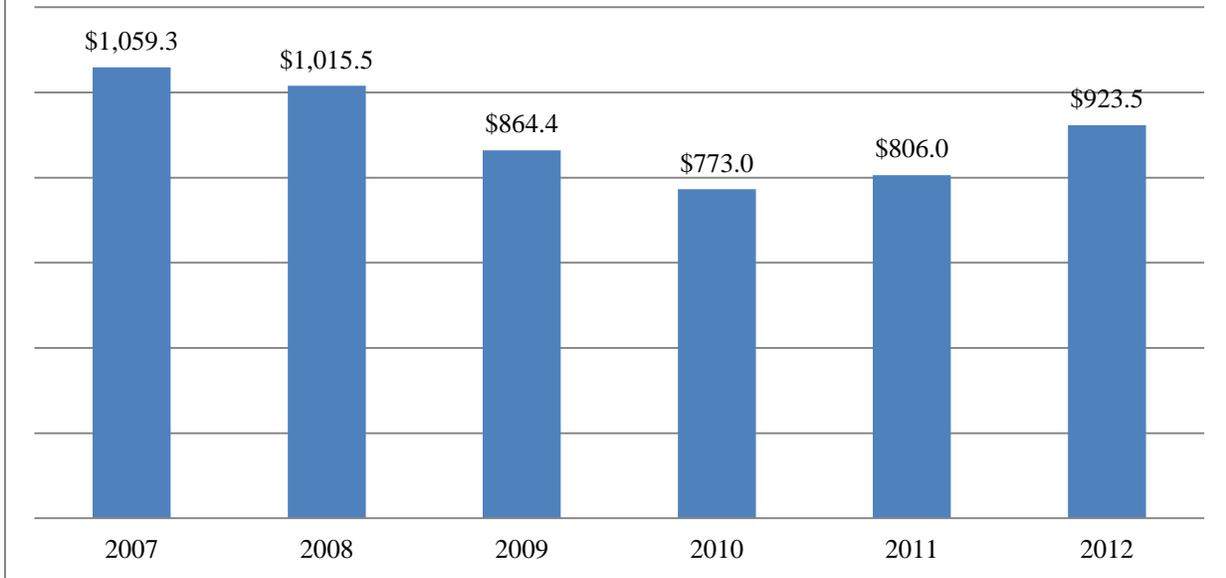


Source: *Oregon Workers' Compensation Premium Rate Ranking Summary Reports*, Oregon Department of Consumer & Business

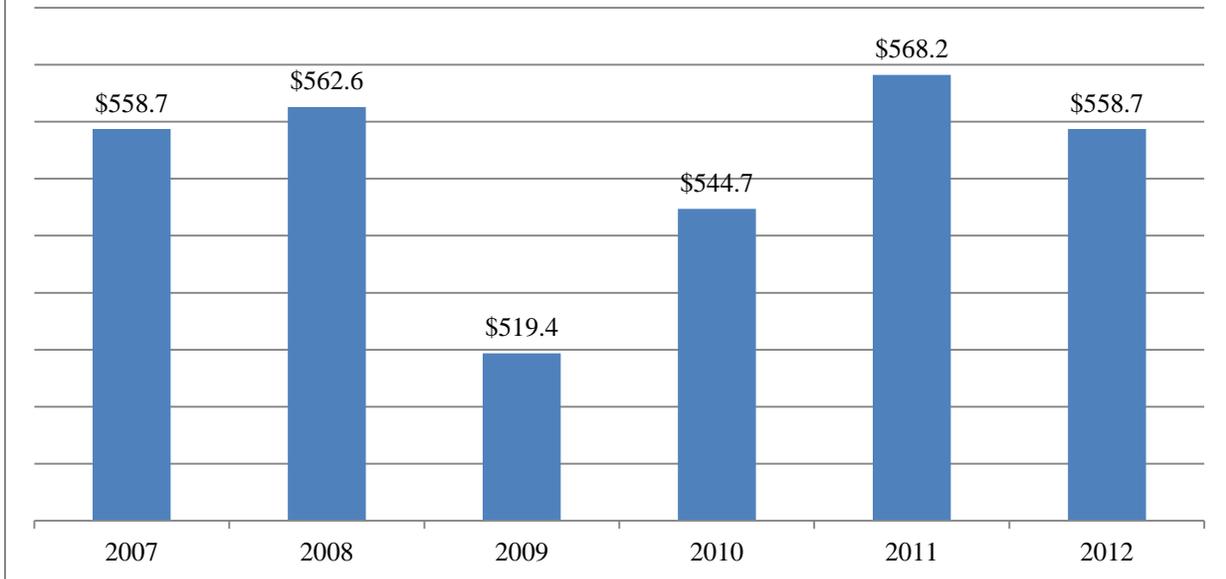


Arizona's voluntary cumulative rate level change since October 2000: -9.0 %

**CY Total Taxable Premium Written In Millions**

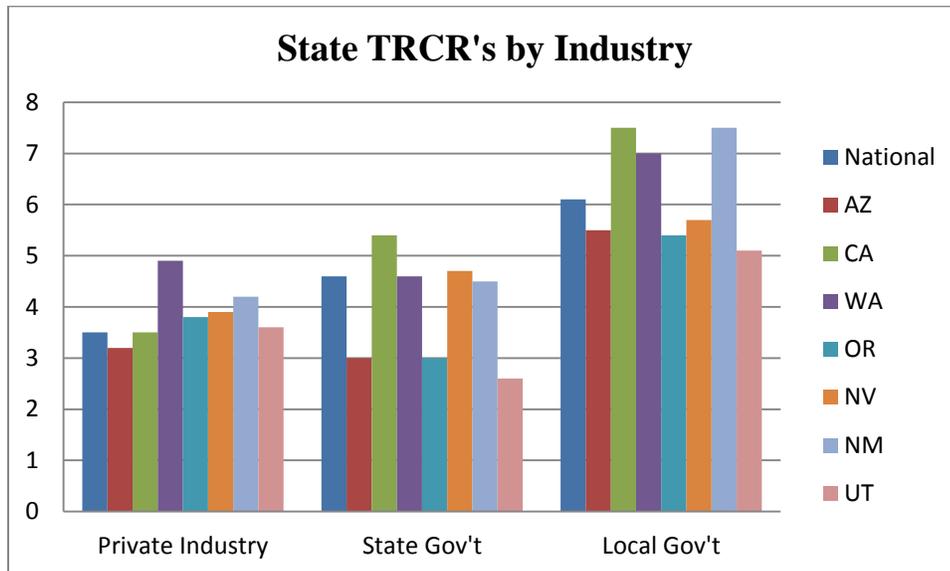
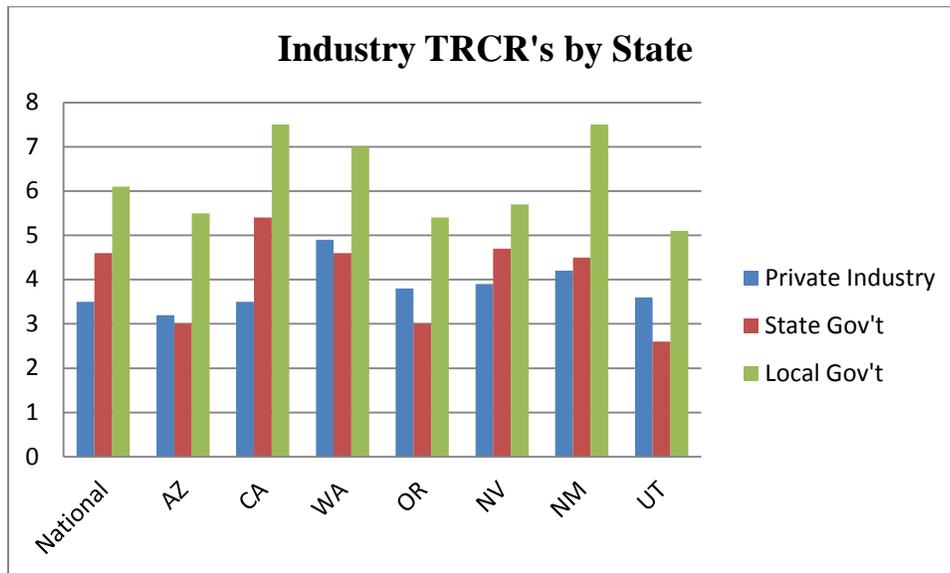


**CY Total Direct Losses In Millions**



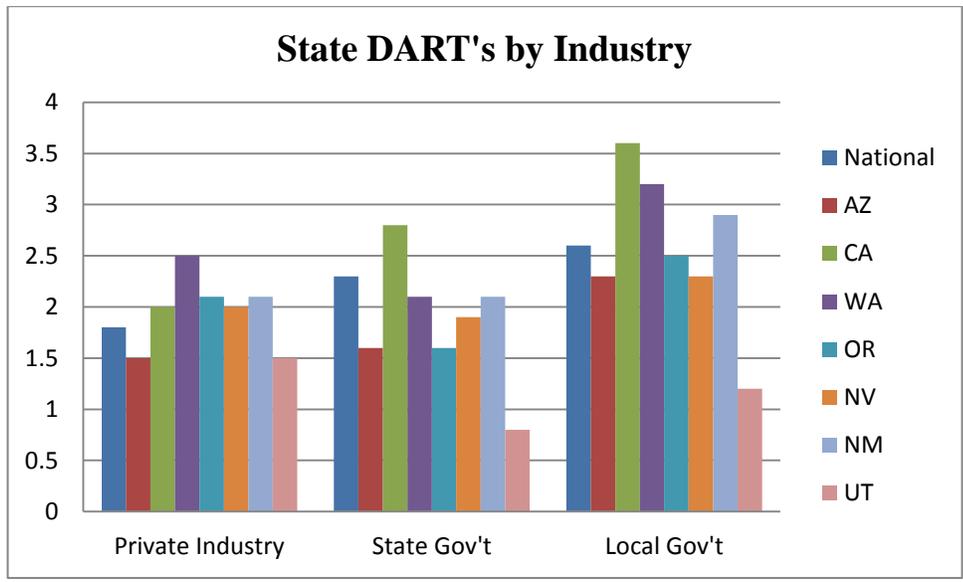
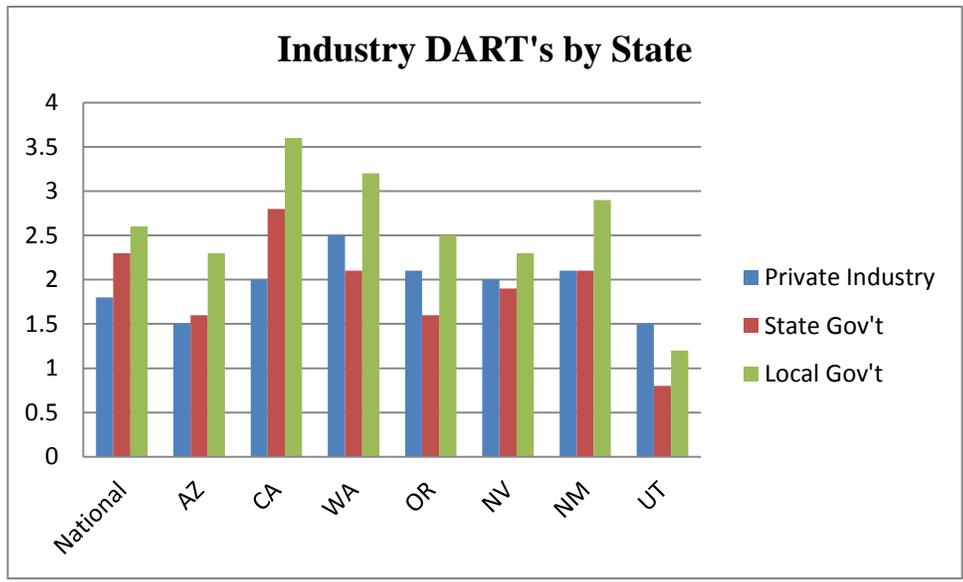
### 3. INJURY AND ILLNESS INCIDENT RATES\*\*

TRC: Total Recordable Cases-Rate per 100 Employees



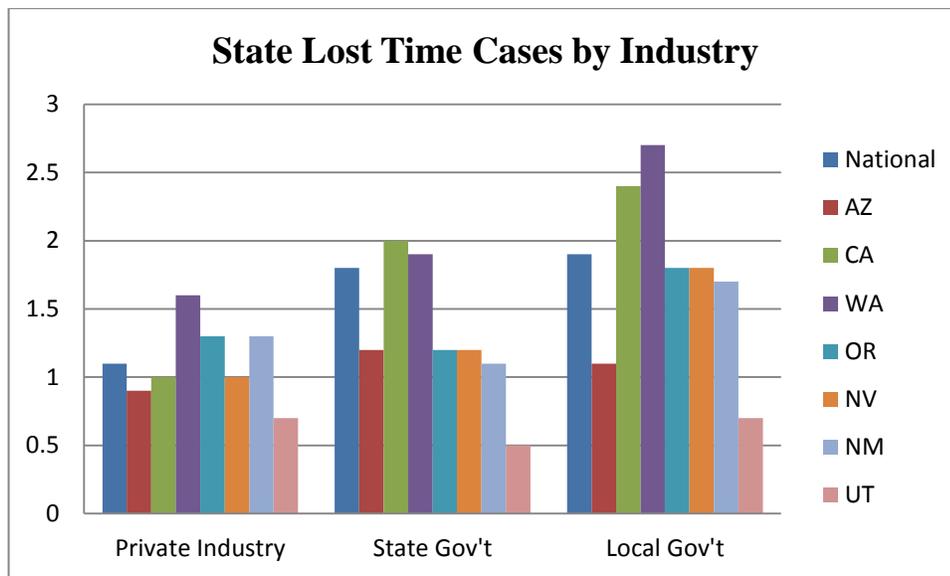
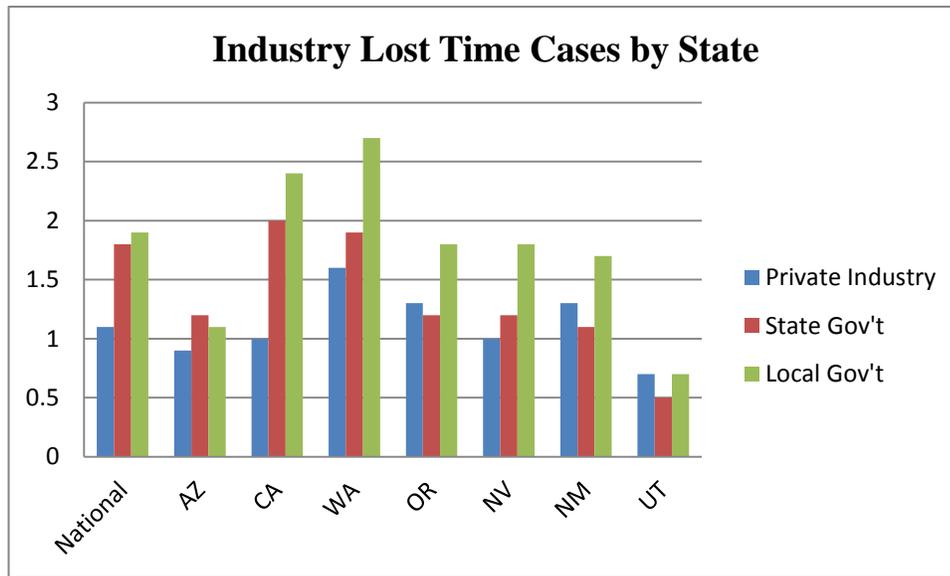
	Private Industry	State Gov't	Local Gov't
<b>National</b>	3.5	4.6	6.1
<b>AZ</b>	3.2	3.0	5.5
<b>CA</b>	3.5	5.4	7.5
<b>WA</b>	4.9	4.6	7.0
<b>OR</b>	3.8	3.0	5.4
<b>NV</b>	3.9	4.7	5.7
<b>NM</b>	4.2	4.5	7.5
<b>UT</b>	3.6	2.6	5.1

**DART: Cases with days away from work, job transfer, or restriction-Rate per 100 Employees**



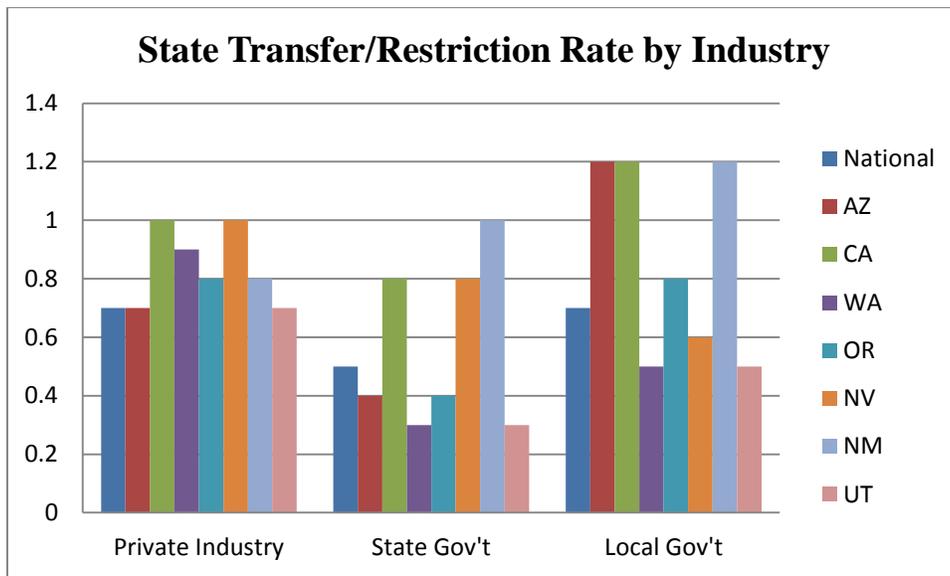
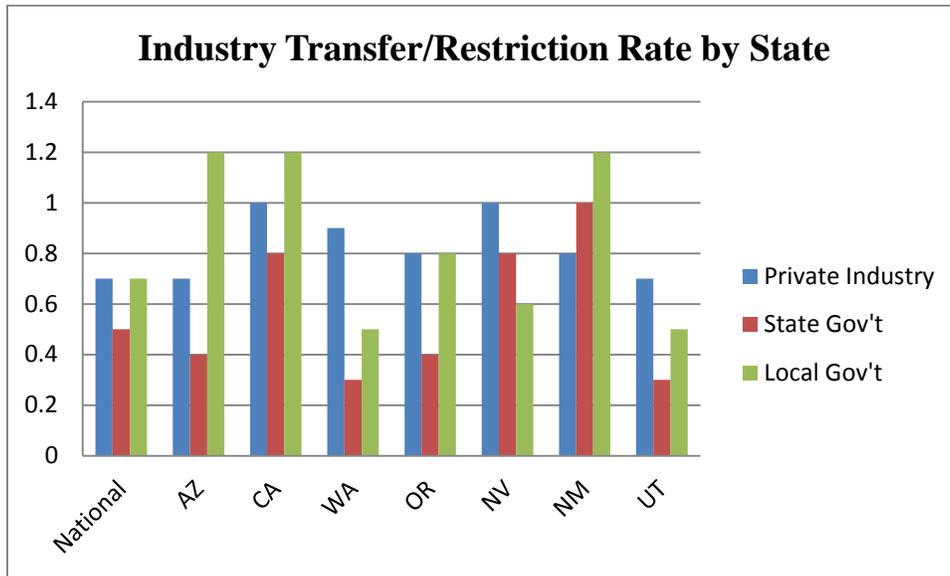
	Private Industry	State Gov't	Local Gov't
<b>National</b>	1.8	2.3	2.6
<b>AZ</b>	1.5	1.6	2.3
<b>CA</b>	2.0	2.8	3.6
<b>WA</b>	2.5	2.1	3.2
<b>OR</b>	2.1	1.6	2.5
<b>NV</b>	2.0	1.9	2.3
<b>NM</b>	2.1	2.1	2.9
<b>UT</b>	1.5	.8	1.2

**Lost Time Rate: Cases with days away from work-Rate per 100 Employees**



	Private Industry	State Gov't	Local Gov't
<b>National</b>	1.1	1.8	1.9
<b>AZ</b>	.9	1.2	1.1
<b>CA</b>	1.0	2.0	2.4
<b>WA</b>	1.6	1.9	2.7
<b>OR</b>	1.3	1.2	1.8
<b>NV</b>	1.0	1.2	1.8
<b>NM</b>	1.3	1.1	1.7
<b>UT</b>	.7	.5	.7

**Restricted Rate: Cases with transfer or restriction -Rate per 100 Employees**



	Private Industry	State Gov't	Local Gov't
<b>National</b>	.7	.5	.7
<b>AZ</b>	.7	.4	1.2
<b>CA</b>	1.0	.8	1.2
<b>WA</b>	.9	.3	.5
<b>OR</b>	.8	.4	.8
<b>NV</b>	1.0	.8	.6
<b>NM</b>	.8	1.0	1.2
<b>UT</b>	.7	.3	.5

\*\*Source: Incident Rates from Tables 1 & 6, Nonfatal Occupational Injuries and Illness by Industry, 2011, Bureau of Labor Statistics

#### 4. SPECIAL FUND ACTIVITY

Serving as the “safety net” for the Arizona Workers’ compensation system, the Special Fund is a “trust fund” that was legislatively created in 1969 for the express purpose of providing workers’ compensation benefits in the following areas:

- Providing benefits for uninsured claimants
- Continuing workers’ compensation benefits for claimants of insolvent carriers and bankrupt self-insured employers under A.R.S. § 23-966
- Partial coverage of workers’ compensation benefits for second injury claims (apportionment)
- Vocational rehabilitation benefits
- Continuing medical benefits for pre 1973 workers’ compensation claimants

The Special Fund consists of monies from Special Fund assessments, property and securities acquired by the use of monies in the Fund, interest earned on monies in the Fund, and other monies derived from the sale, use or lease of property belonging to the Fund. Effective August 12, 2005, unexpended Administrative Fund revenue surplus may be transferred to the Special Fund when the Special Fund is not actuarially sound. The financial integrity of the Special Fund is overseen by a legislatively created Investment Committee that was established in 1984 under A.R.S. § 23-1065.

##### a. Special Fund Assessment Rate and Revenue

- The maximum assessment rate allowed under the applicable statutes is 2.5%. Currently set at less than the maximum, the assessment rate for the Special Fund is 2.25% for calendar year 2013. This rate includes the 1.25% assessment authorized under A.R.S. § 23-1065(A), the .50% assessment authorized under A.R.S. 23-1065(F), and the .50% assessment authorized under A.R.S. § 23-966. Revenue generated for CY 2012: \$23,103,067.
- Historical Perspective of Special Fund Rates:

1993 to 2003:	zero
2004:	1.5%
2005 to 2007:	2.5%
2008 and 2009:	1.5%
2010:	2.5%
2011:	2.5%
2012:	2.5%

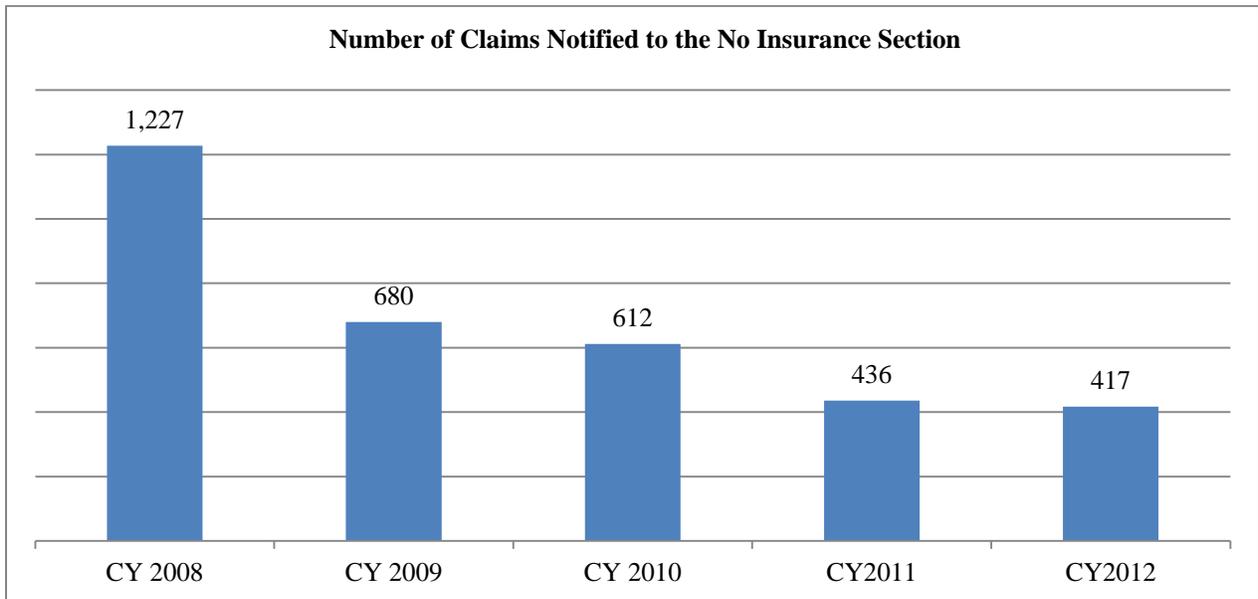
**b. Special Fund Actuarial Picture**

- Total liabilities estimated as of 6-30-12: \$519.9 million (an increase of \$54.4 million from prior year)
- Special Fund total assets as of 6-30-12: \$473.0 million (an increase of \$21.6 million from prior year)
- Actuarial deficit estimated as \$46.9 million with an 80% confidence level (an increase of \$32.8 million from the prior year).

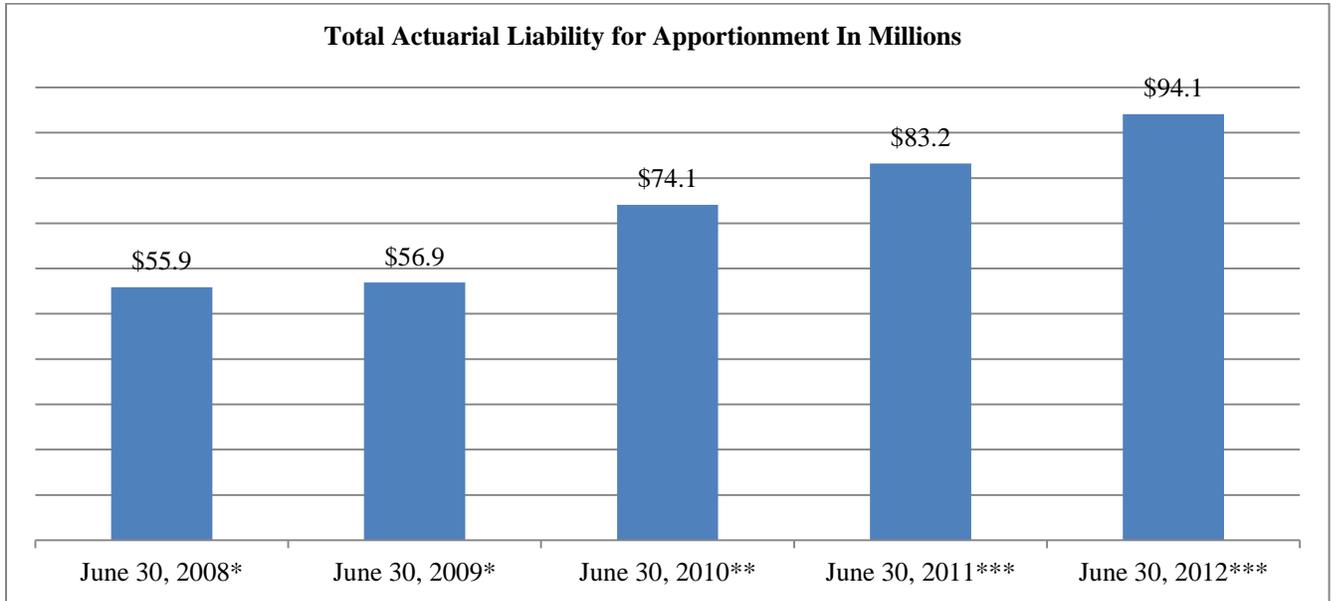
In the last quarter of calendar year 2013, the Commission will publish a report showing the amount of cash and assets held by the Special Fund that are attributable to the payment of claims of insolvent carriers as of June 30, 2013. Thereafter, to meet the reporting needs of our stakeholders, the Commission expects to publish an audited Comprehensive Annual Financial Report (CAFR) for the Special Fund. The first report is expected to be published in late 2014 and will include the fiscal period ending June 30, 2014. Previously, such financial statements were only issued as a component of the State’s CAFR.

**c. Processing of No Insurance Claims**

The Special Fund is responsible for providing workers’ compensation benefits to injured workers whose employers have violated the law by not providing workers’ compensation insurance. These workers’ compensation claims are called “no insurance claims.”



d. **Liability for Apportionment Under A.R.S. 23-1065(F)**

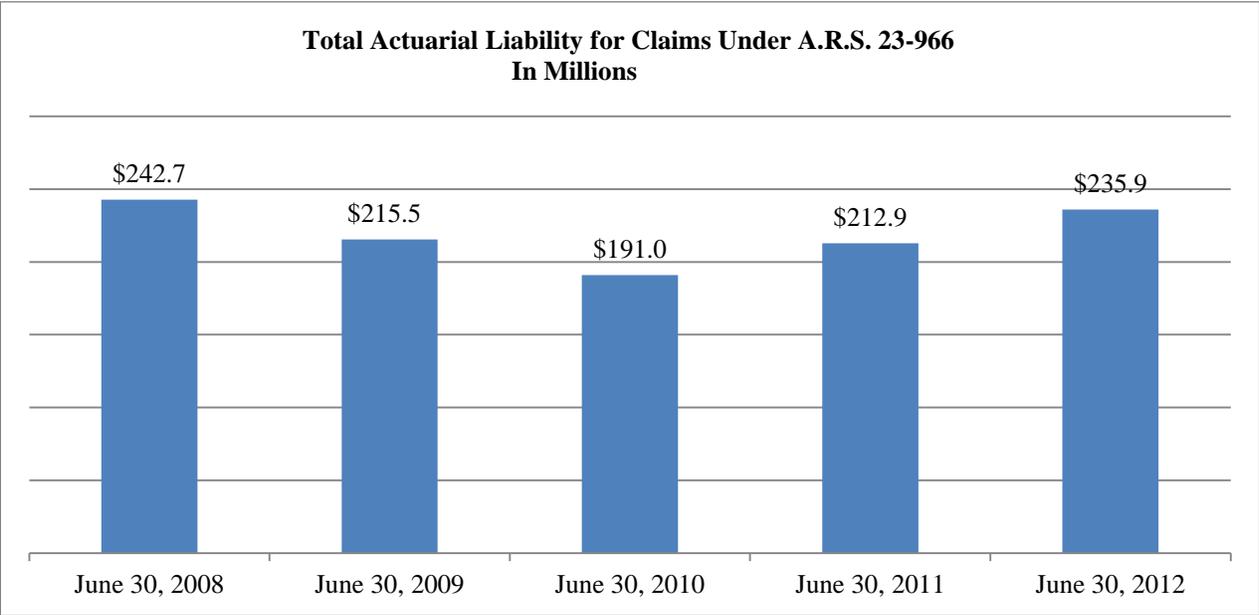


\* Reported at a 50% confidence level      \*\*\* Reported at an 80% confidence level  
 \*\* Reported at a 75% confidence level

e. **Processing of Insolvency/Bankrupt Claims Under A.R.S. § 23-966**

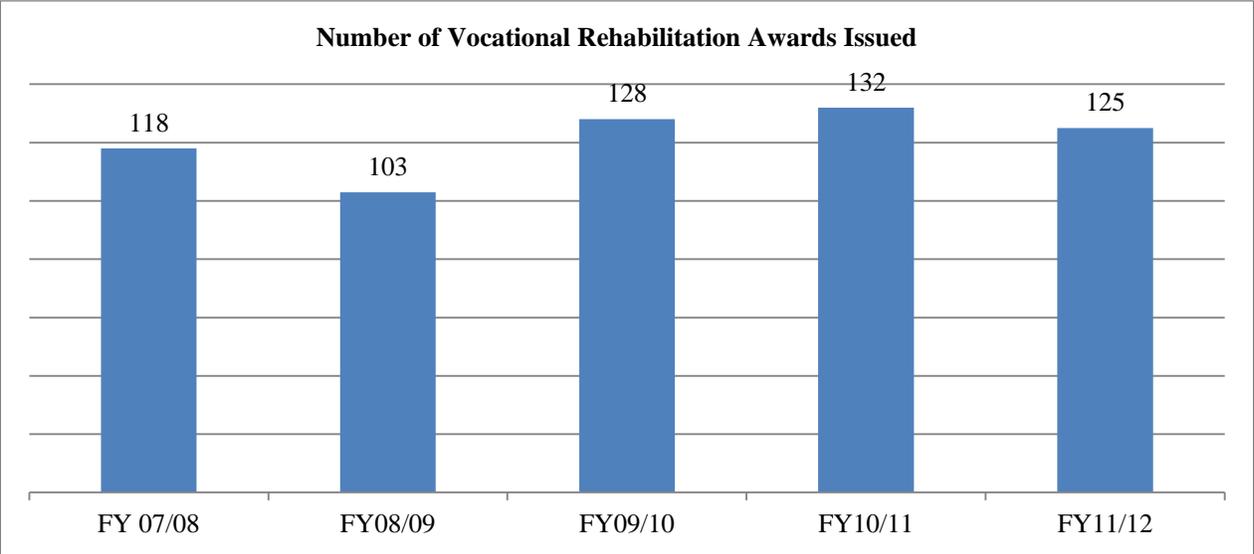
The Special Fund is responsible for continuing workers’ compensation benefits for those claimants insured by insolvent carriers and bankrupt self-insured employers. The following are the estimated reserves, excluding a 9.0% administrative fee, as of June 30, 2012, for those claims:

• Atlantic Mutual Insurance Company	5.6 million
• Fremont Companies	105.5 million
• Great States Insurance	19.3 million
• Home Insurance Company	6.7 million
• Legion Insurance Company	17.6 million
• Mission Companies	12.0 million
• Park Avenue Insurance Company	5.8 million
• Paula Insurance Company	16.0 million
• Reliance Insurance	20.8 million
• Superior Companies	10.5 million
• Western Employers Insurance Company	4.5 million
• All Other Ins. Carriers & Self-Insured Employers	11.6 million
<b>Total of All Claims</b>	<b>235.9 million</b>



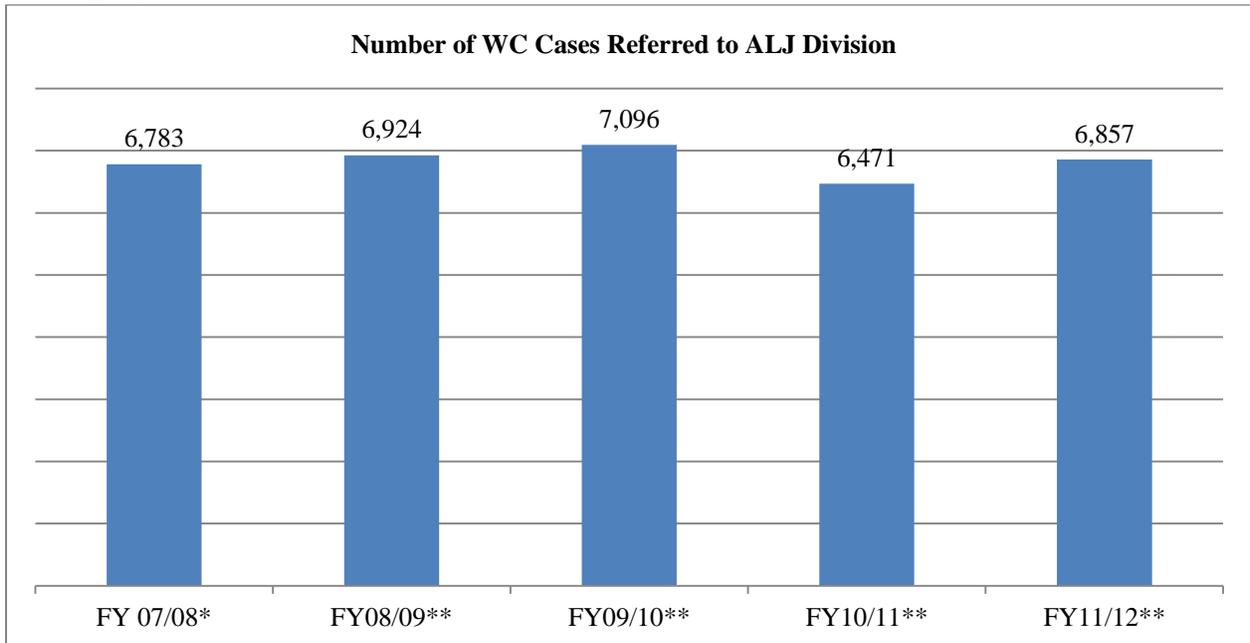
**f. Vocational Rehabilitation**

If certain criteria are met, a workers' compensation claimant may be eligible for vocational rehabilitation benefits. This rehabilitation program is focused on providing vocational retraining that will result in meaningful employment. This training may include a variety of college courses to supplement prior education and on the job training where the Special Fund will pay 50% of the salary during training (as long as there is a commitment to hire the trainee). Examples of past vocational programs provided include bilingual tractor-trailer operator, equine instructor, forensics, mortuary science, computer-aided drafting, and pharmacy technician. For those that are eligible for vocational rehabilitation, but are lacking skills to enter a program, the Special Fund offers foundational training in math, reading, and English (ESL).



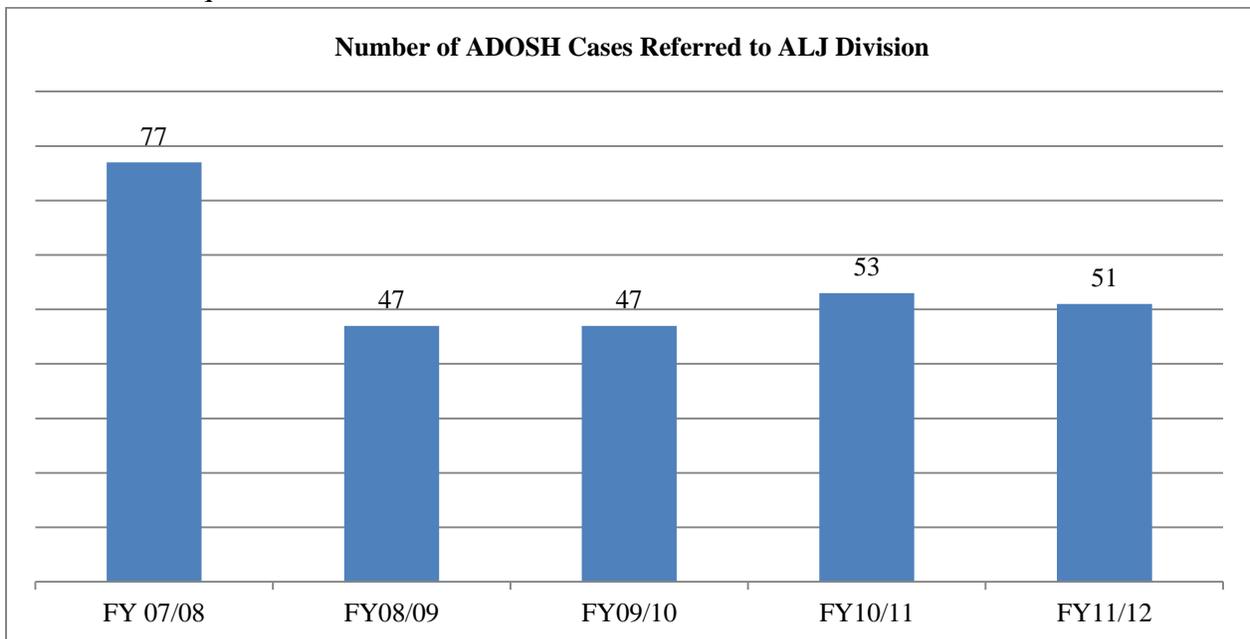
## 5. ADJUDICATION OF DISPUTES

The ALJ Division is the administrative tribunal of the Industrial Commission. Its mission is to resolve all disputes coming before it efficiently and equitably. The ALJ Division has jurisdiction over disputes that arise under the Arizona Workers' Compensation Act, the Occupational Health and Safety Act ("OSHA"), and the Arizona Minimum Wage Act. It is also authorized to resolve disputes referred from the Department of Labor in the area of youth employment.

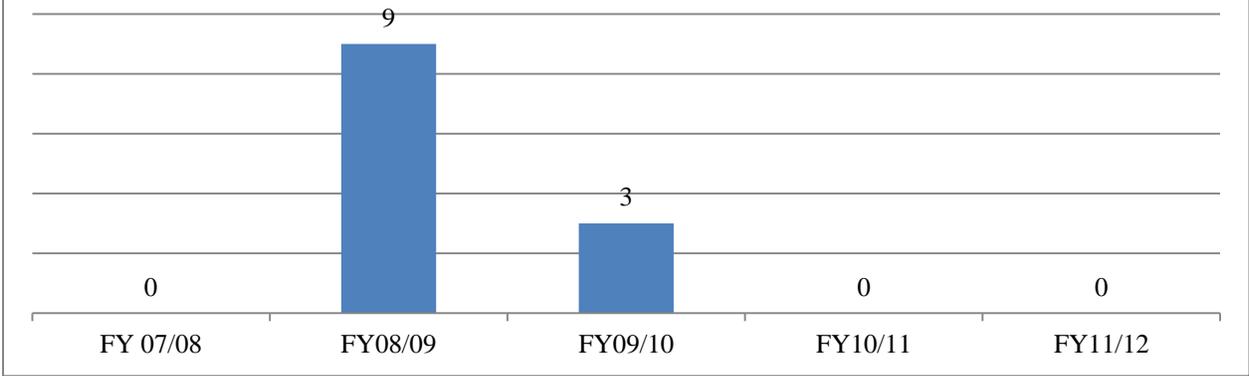


\* Includes unresolved requests for investigation under A.R.S. § 23-1061(J)

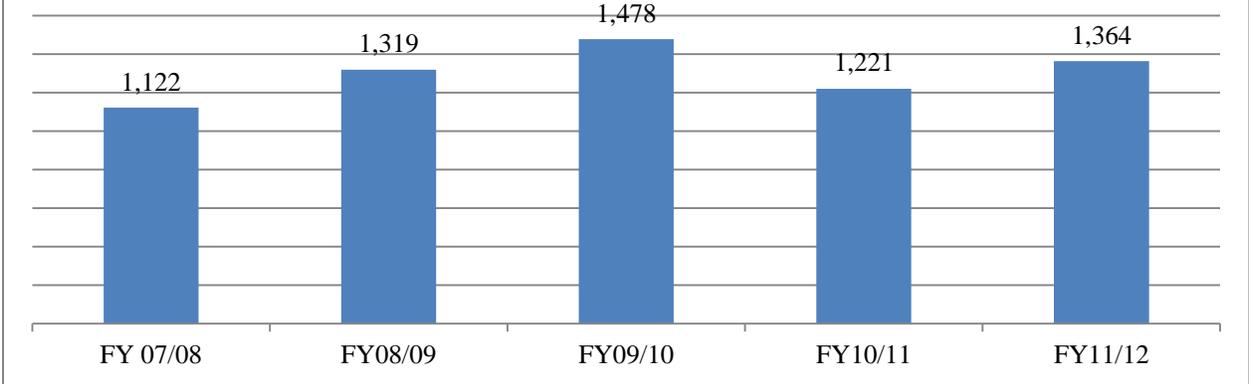
\*\* Includes all requests for investigation under A.R.S. § 23-1061(J) for which a carrier response has been requested.



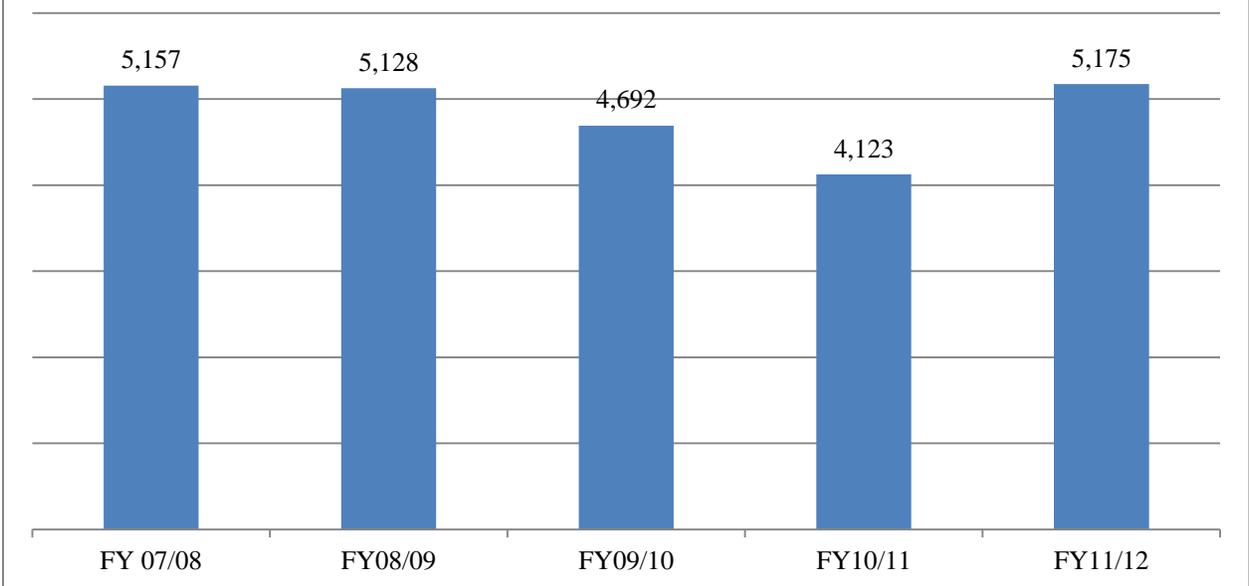
**Number of Minimum Wage Cases Referred to ALJ Division**



**Number of Awards Issued by ALJ Division Involving Compromise and Settlement Agreements**

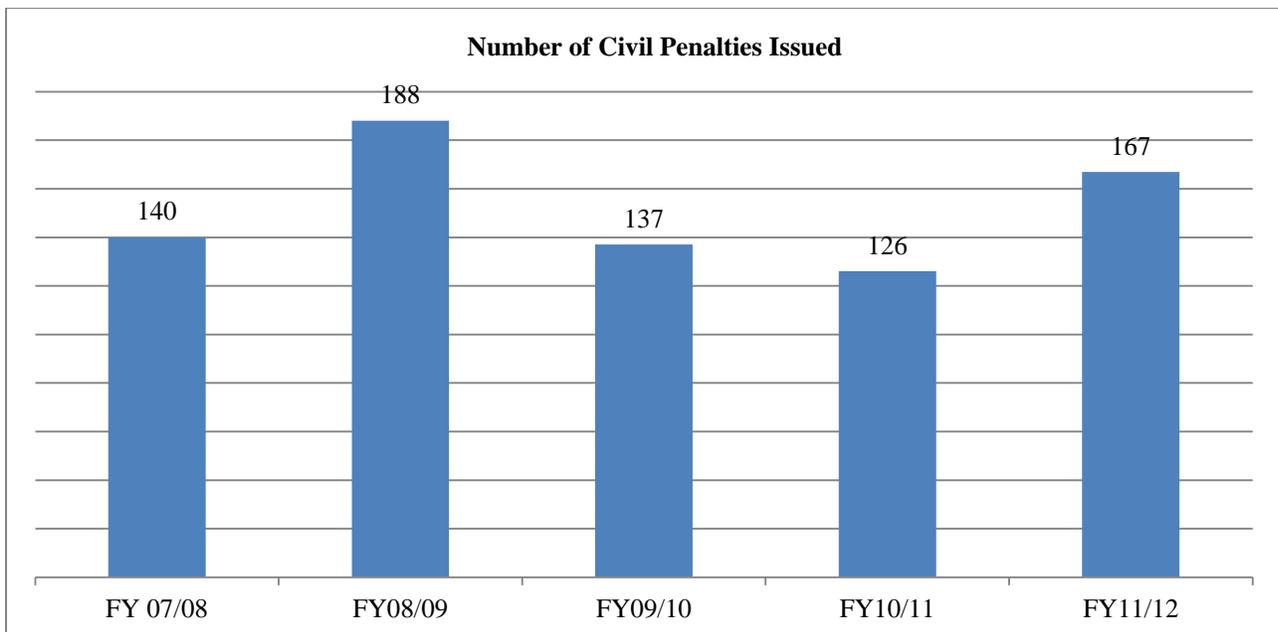
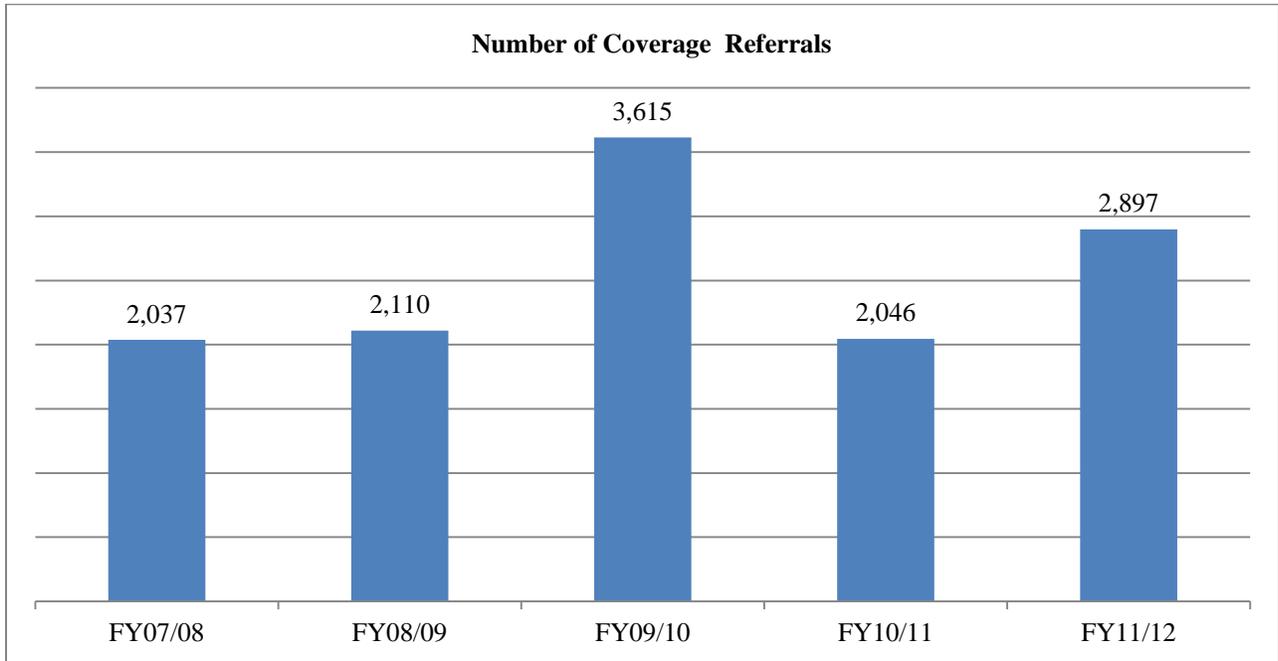


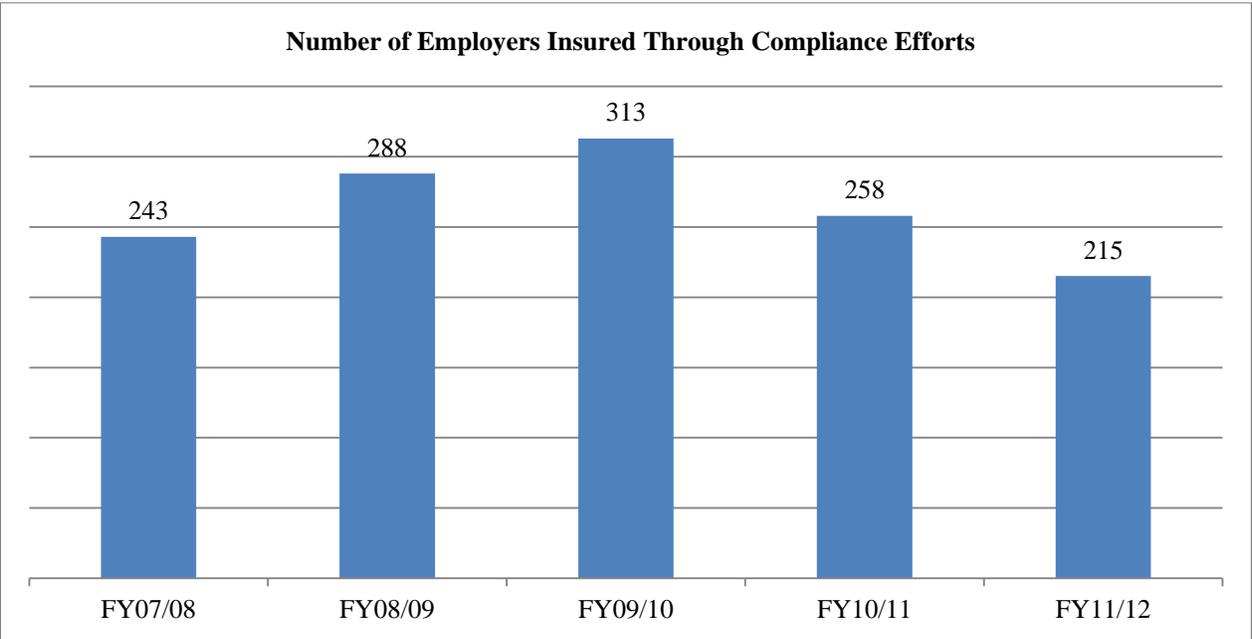
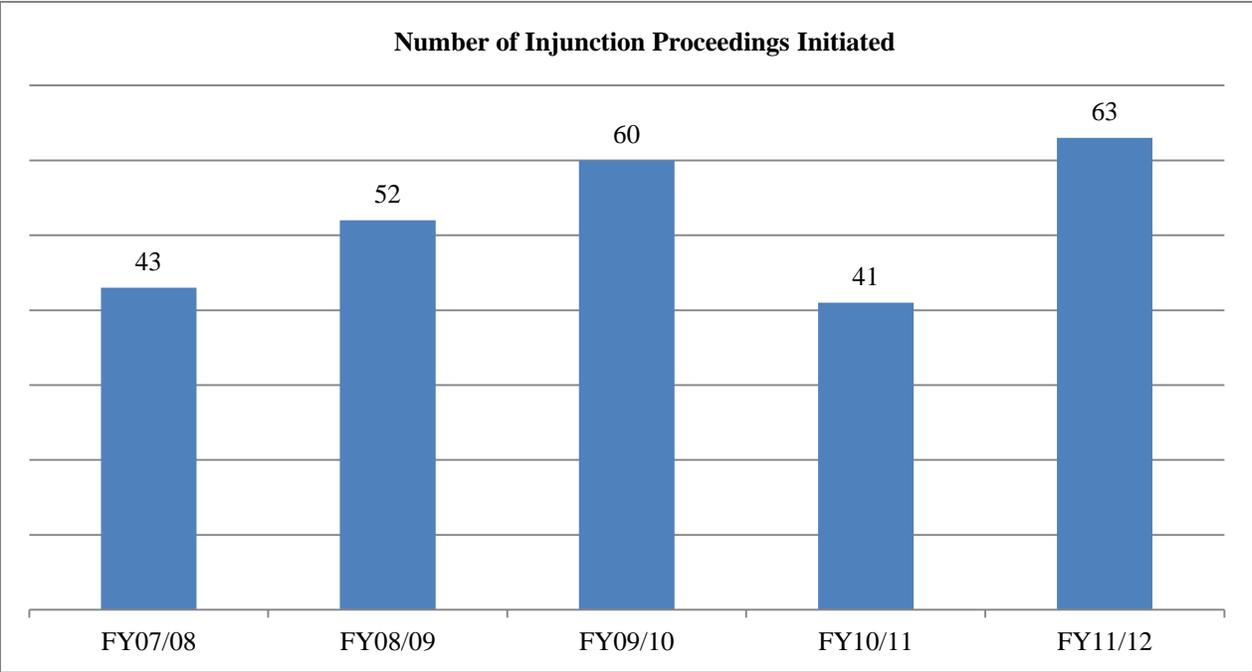
**Number of Hearings Held by ALJ Division**



## 6. COMPLIANCE WITH WORKERS' COMPENSATION INSURANCE LAWS

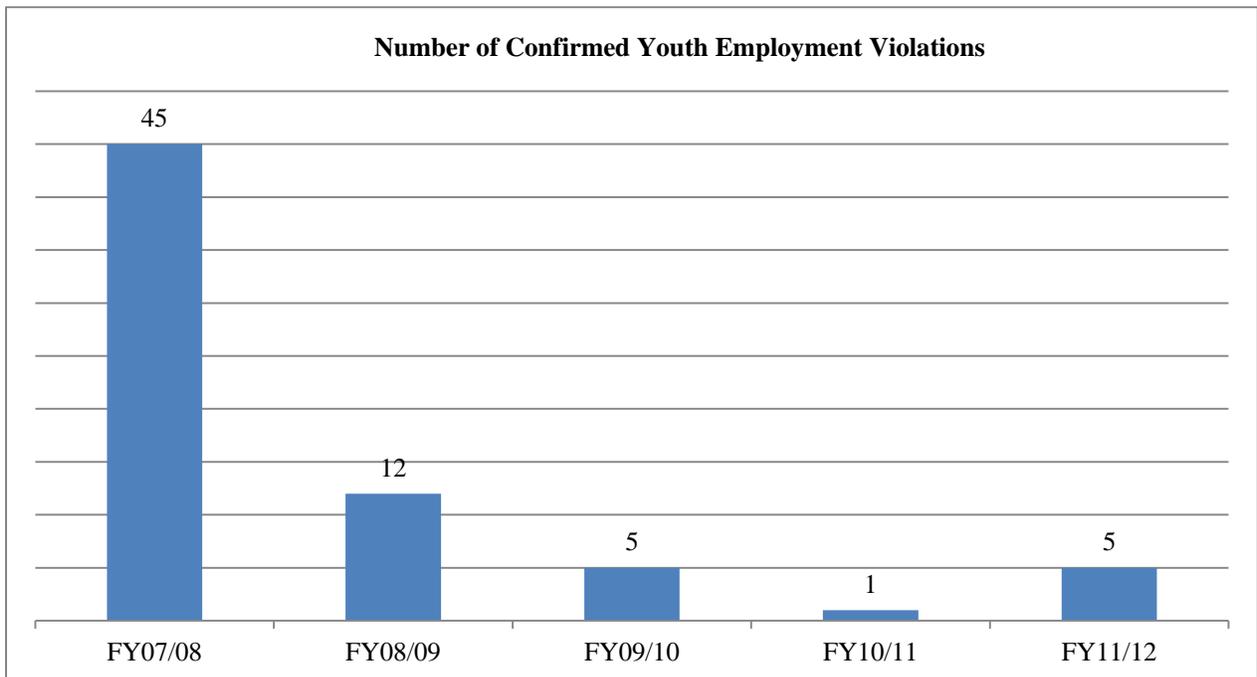
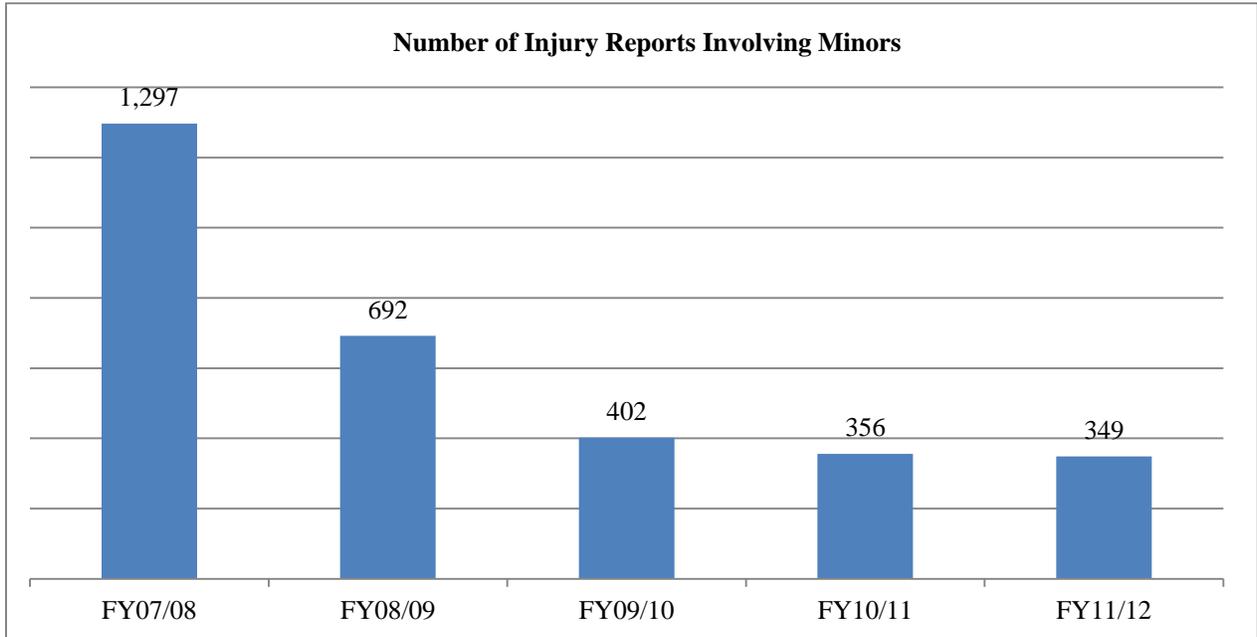
The Commission has authority to enforce the law requiring that employers provide workers' compensation insurance to their employees. A variety of sources notify the Commission of employers who may be violating Arizona law by not providing workers' compensation coverage for their employees. Through its Legal Division, the Commission investigates these referrals, educates employers, initiates civil penalties against employers and, as a last resort, pursues enforcement actions in Superior Court that may result in the Superior Court issuing an injunction prohibiting the employer from conducting business unless the employer obtains the appropriate insurance.





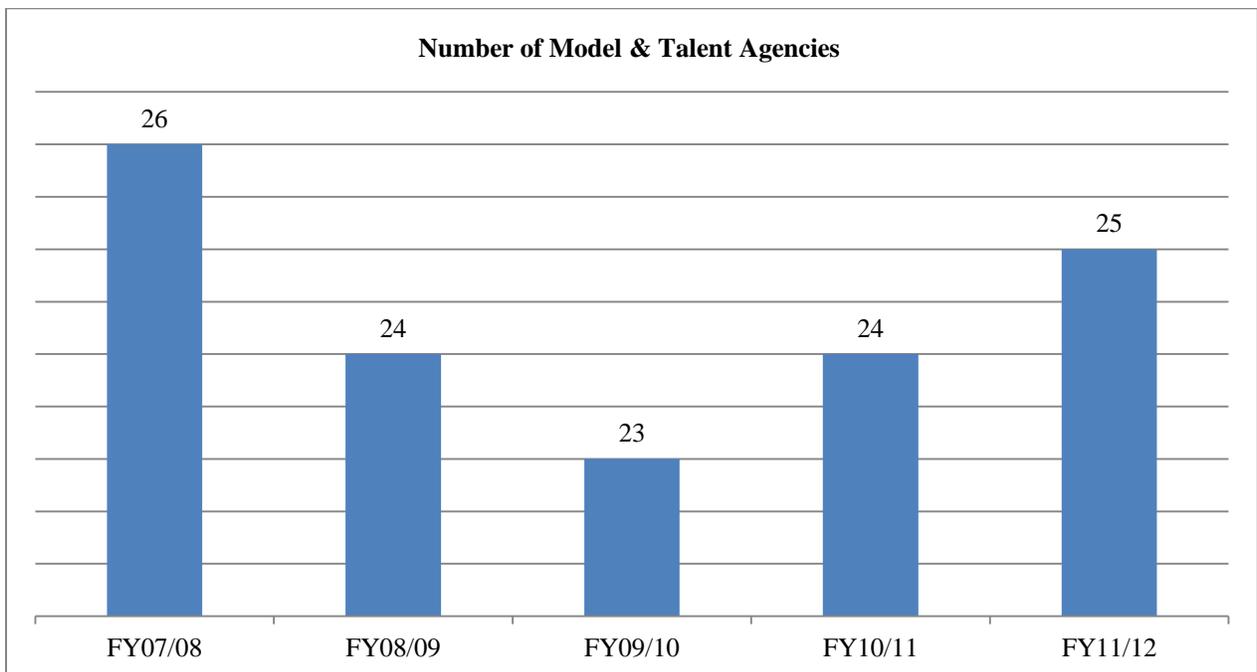
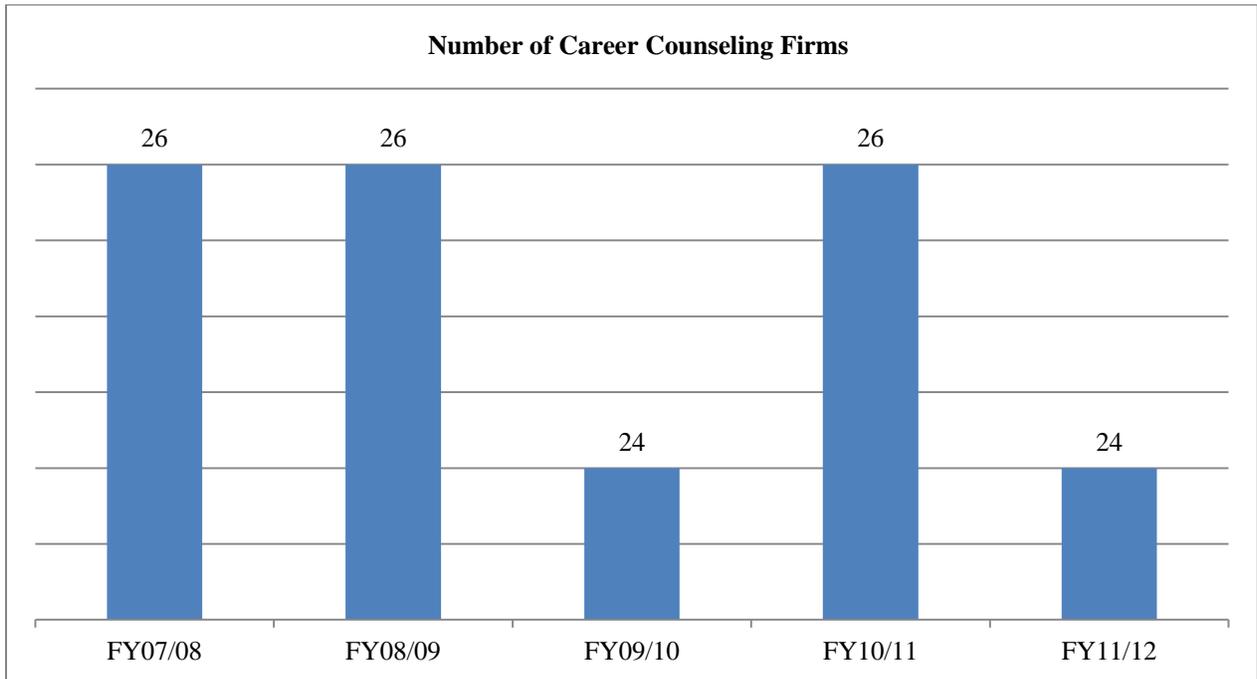
## D. YOUTH EMPLOYMENT

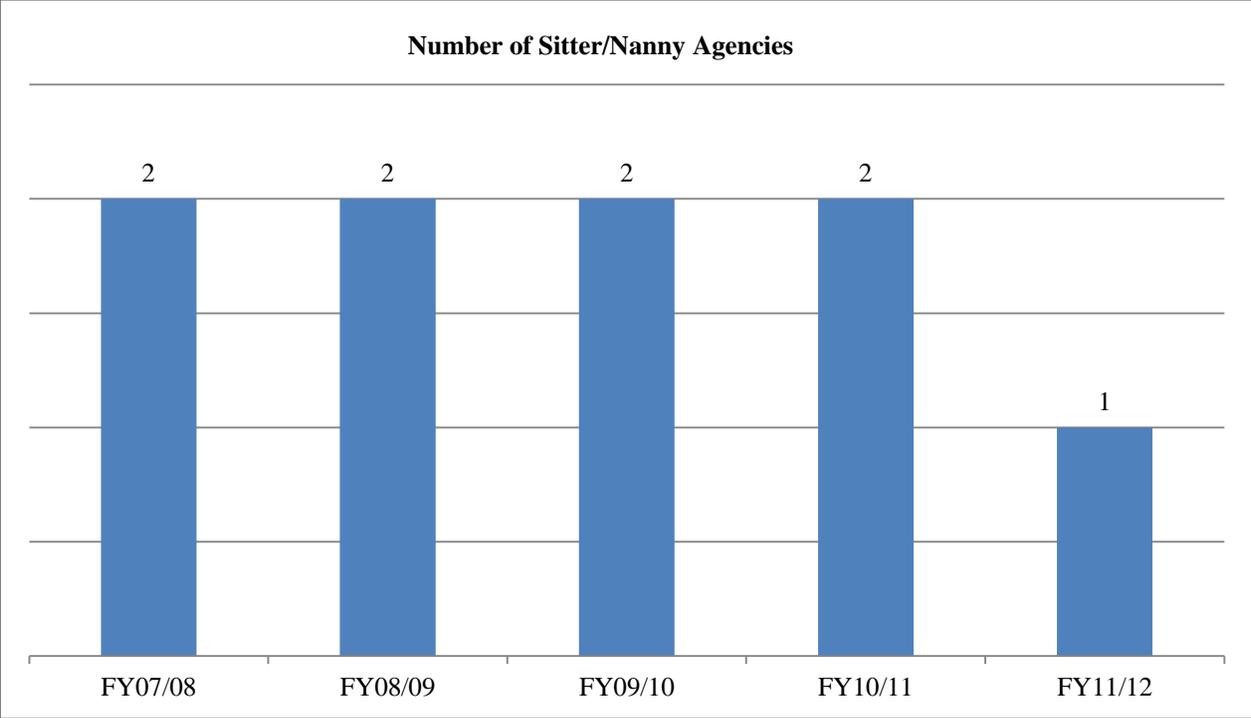
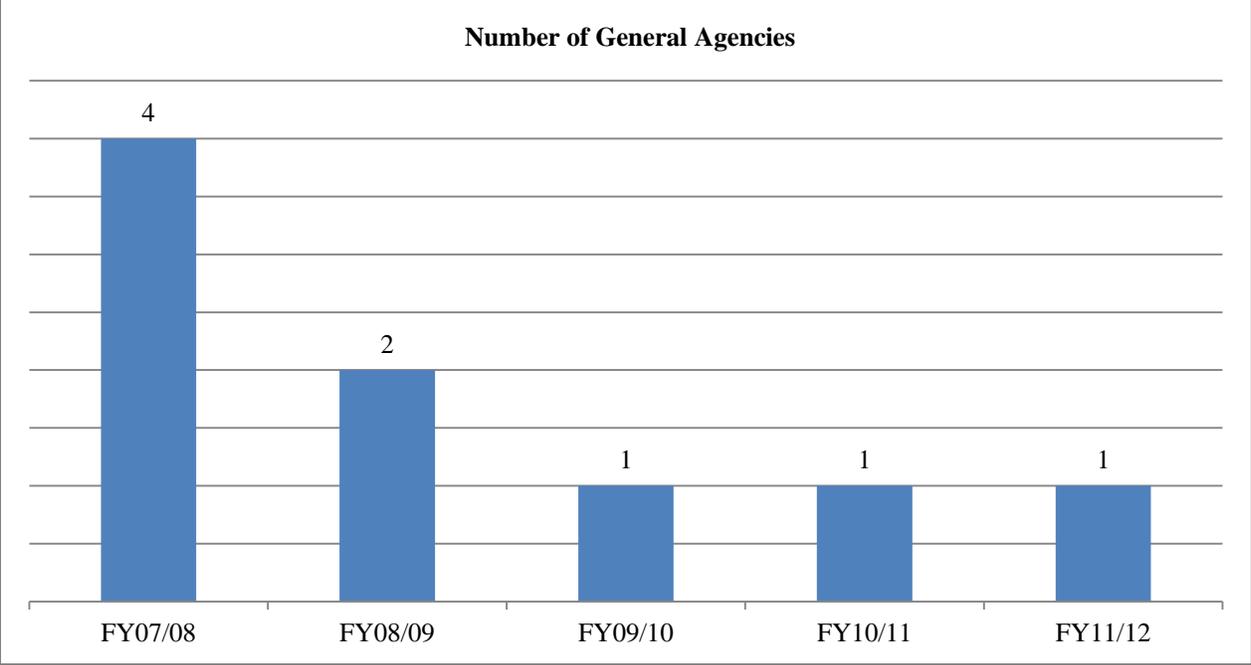
Arizona's youth employment laws, which establish the hours a youth can work and prohibit occupations in which they can be employed, are very similar to those on the federal level. The State Labor Department utilizes information gathered from the Commission's Claims Division to review and investigate workers' compensation claims involving minors. It also receives and investigates information from other governmental organizations and complaints filed by the public concerning allegations of youth labor violations.

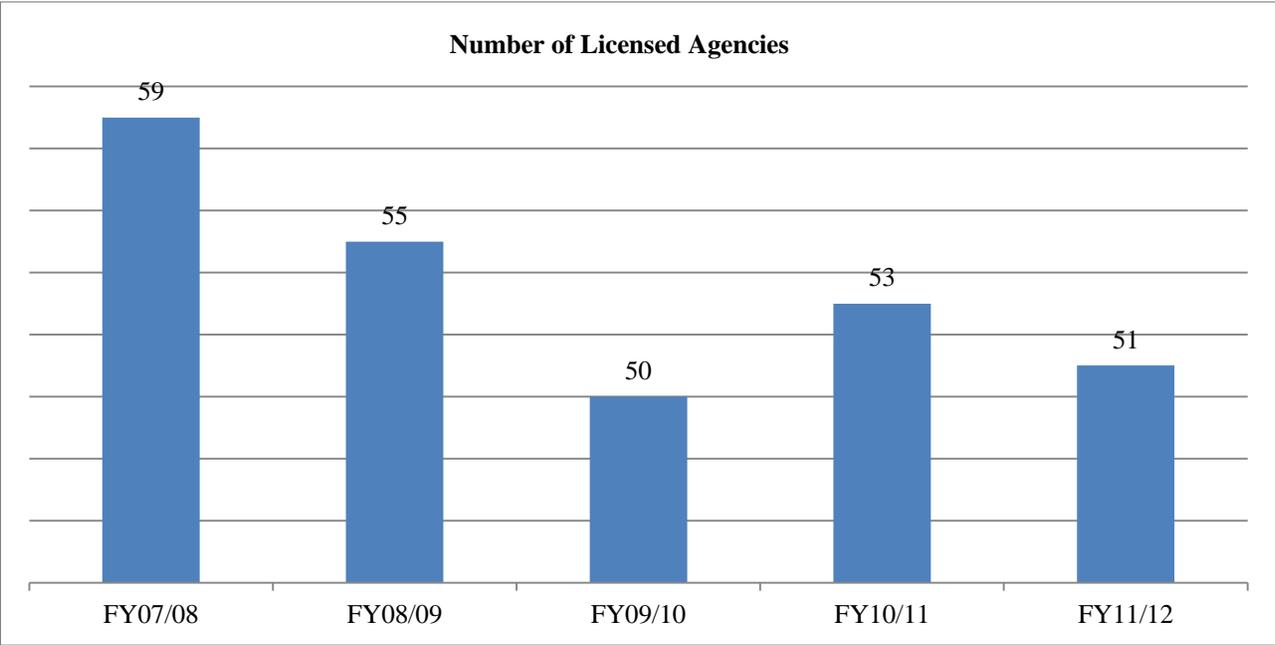


## E. LICENSED AND REGULATED AGENCIES

Under Arizona Law, private employment agencies that charge a fee to an applicant are required to be licensed and regulated by the Labor Department. The Labor Department investigates the background of each firm applying for a license. Based on this investigation, the Industrial Commission's Employment Advisory Council recommends approval or denial of a license to the Commission. The Commission administratively approves or denies the license. An appeal of that administrative decision may be made before the five-member Commission through an administrative hearing. The Commission's decision is appealable to the Superior Court.







## IV. State of the Commission

The Commission is a self-supporting, non-general fund agency whose operations and other statutorily mandated functions are funded through an annual tax on workers' compensation premiums. The Administrative Fund (established under A.R.S. § 23-1081(A)) provides for the Commission's expenses in carrying out its powers and duties under Title 23, while the Special Fund (established under A.R.S. § 23-1065(A)) provides for other statutorily mandated functions (which is described in Section IV(C) (4) of this Report).

The following provides a brief overview of the operations of the Commission:

A. Appropriated Budget FY 12/13: \$19.9 million

B. Administrative Fund Assessment Rate and Revenue:

- The maximum assessment rate allowed under A.R.S. § 23-961 is 3.0%. Currently set at less than the maximum allowed, the assessment rate for the Administrative Fund is 2.75% for calendar year 2013. Revenue generated for CY 12: 27,721,786.
- Historical Perspective of Rates and Revenues:

Calendar Year	Rate	Revenue in Millions	% Change from Prior Year
2012	3.0%	\$27.7	+14.71%
2011	3.0%	\$24.2	+17.97%
2010	2.65%	\$20.5	-21.06%
2009	3.0%	\$25.9	-14.82%
2008	3.0%	\$30.5	-4.13%

C. Legislatively Mandated Transfers from Administrative Fund to State General Fund:

- FY 12/13: \$0
- FY 11/12: \$426,700
- FY 10/11: \$4.3 million
- FY 09/10: \$3.7 million
- FY 08/09: \$10.7 million

D. Full Time Employees at CY 2012 year end: 270 FTEs plus federal grant funded positions

## Appendix A

### **Arizona Occupational Injuries, Illnesses & Fatalities**

With the implementation of new changes in our current Supplemental Data System (SDS), some technical issues were discovered and are currently being addressed. The Industrial Commission of Arizona would like to provide accurate and current Lost Workday Claims statistics to the public.

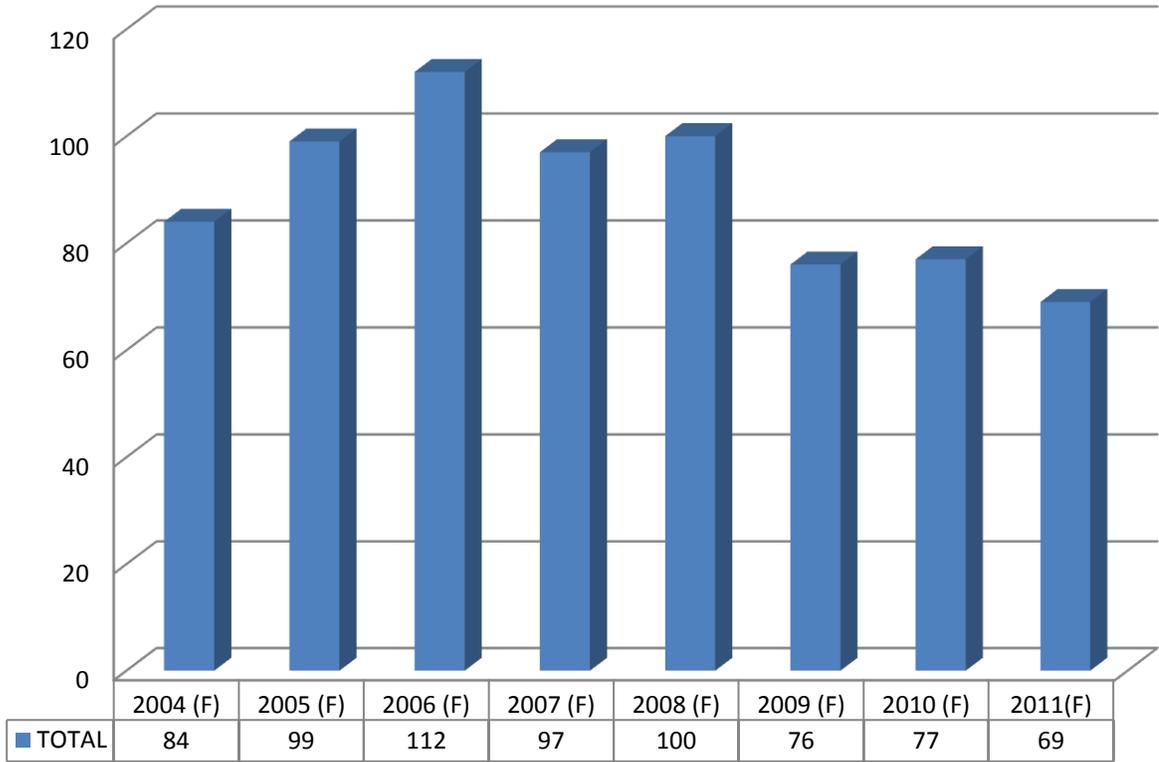
In an effort to provide this, our MIS Department has taken on the challenge to reprogram, update and complete an entire overhaul of the SDS database along with future implementations of other databases and applications. While the Industrial Commission of Arizona understands the need to report current Lost Workday Claims statistics, trends and reporting for use to the general public, the ICA also expects to provide those statistics accurately and efficiently.

Due to this enactment, the Industrial Commission of Arizona will provide the most current Lost Workday Claim statistics in the 2013 Annual Report.

Also, the following charts will be finalized with the revised coding structures used by the North American Industry Classification System (“NAICS”), the Occupational Injury and Illness Classification System (“OIICS”), and the Standard Occupational Classification (“SOC”) system in approximately June of 2014.

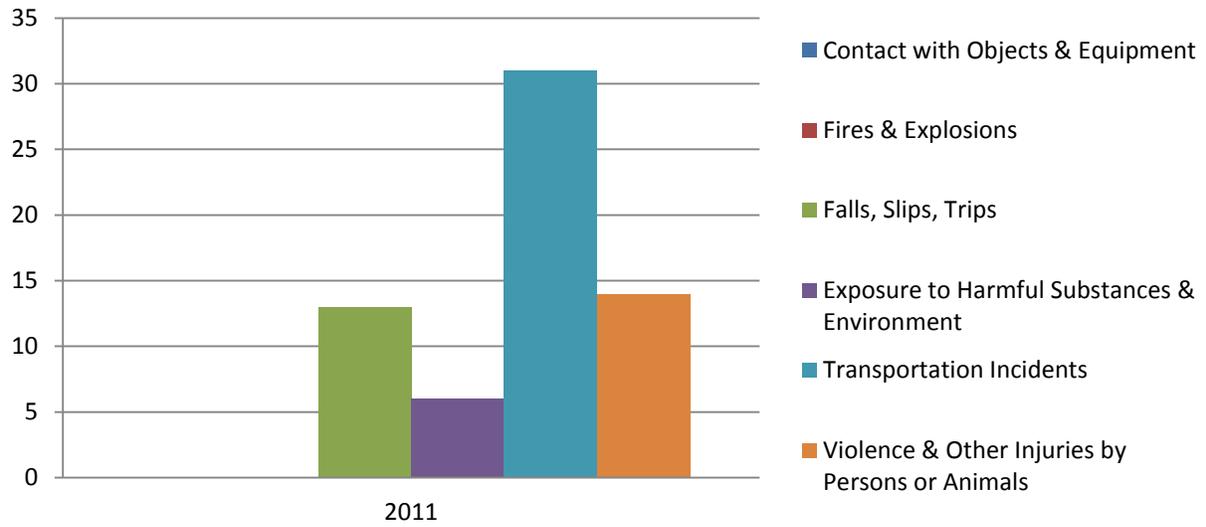
- Lost Workday Claims by Major Industry
- Lost Workday Claims by Nature of Injury
- Lost Workday Claims by Part of Body
- Lost Workday Claims by Event or Exposure
- Lost Workday Claims by Source
- Lost Workday Claims by Occupation

### Total Occupational Fatalities - Arizona



(F) - Final

### Fatal Occupational Injuries by Event or Exposure \*\*



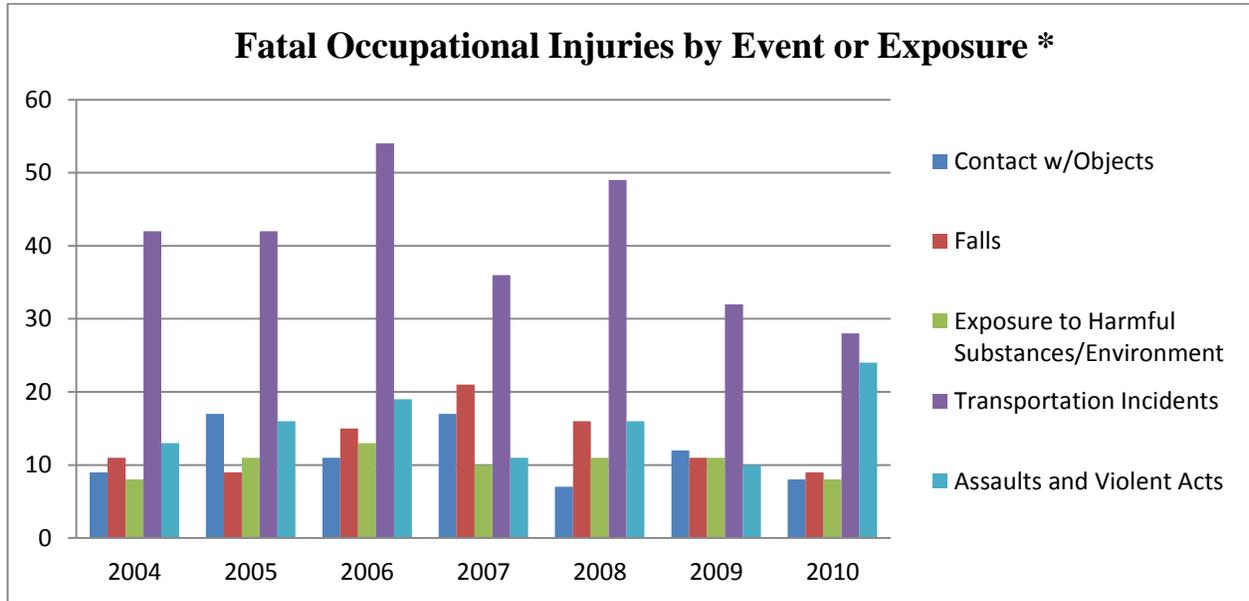
2011	
Contact with Objects & Equipment	*
Fires & Explosions	*
Falls, Slips, Trips	13
Exposure to Harmful Substances/Environment	6
Transportation Incidents	31
Violence & Other Injuries by Persons	14

\* Un-publishable – Number lower than publishable ratio

\*\* Source: Census of Fatal Occupational Injuries, Industrial Commission of Arizona

## Appendix B

### Arizona Occupational Injuries, Illnesses & Fatalities



	2004	2005	2006	2007	2008	2009	2010
<b>Contact w/Objects</b>	9	17	11	17	7	12	8
<b>Falls</b>	11	9	15	21	16	11	9
<b>Exposure to Harmful Substances/Environment</b>	8	11	13	10	11	11	8
<b>Transportation Incidents</b>	42	42	54	36	49	32	28
<b>Assaults and Violent Acts</b>	13	16	19	11	16	10	24

\* Source: Census of Fatal Occupational Injuries, Industrial Commission of Arizona